

From: [DHSOIGHotlineMailbox](#)  
To: (b)(6) [CRCL\\_DHSOIGHotline](#)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 14-08-CBP-0169  
Date: Wednesday, May 14, 2014 3:19:04 PM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6) @associates.hq.dhs.gov]  
Sent: Tuesday, May 13, 2014 1:48 PM  
To: CRCL\_DHSOIGHotline  
Cc: (b)(6)  
(b)(6)  
Subject: CRCL Complaint Number 14-08-CBP-0169

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 6, 2014 CRCL received an email referral from Health and Human Services Office of Refugee and Resettlement (HHS ORR) on behalf of unaccompanied alien child (UAC) (b)(6) (b)(6), age 17. UAC (b)(6) alleges that he was in Border Patrol custody over 72 hours. According to EARM records, the UAC was apprehended by Border Patrol on April 28, 2014 in Hidalgo, Texas (Rio Grande Valley Sector), transported to the Brownsville Station, and then transferred to HHS ORR custody on March 2, 2014. The UAC also alleges that while in Border Patrol custody, he witnessed possible BP abuse of another UAC who had made shoe laces in the hold room, then an agent discovered them moved the UAC to another hold room, and when the UAC was transferred (b)(6) noticed that the UAC's arms and lips appeared blush purple bruising.

Thank you.

(b)(6)

Compliance Branch

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security



(202)357 (b)(6) (o)

(b)(6) [@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

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From: [Salvano-Dunn, Dana](#)  
To: (b)(6)  
Cc:  
Subject: RE: For Review: Short Form Complaint Number 14-08-CBP-0169  
Date: Monday, July 21, 2014 3:28:35 PM  
Attachments: [Complaint No 14-08-CBP-0169 \(2\).docx](#)[DSD.docx](#)

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This looks great – a few small tweaks. I don't need to see this again.

Thanks -

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From: (b)(6)  
Sent: Monday, June 30, 2014 3:57 PM  
To: [Salvano-Dunn, Dana](#)  
Cc: (b)(6)  
Subject: For Review: Short Form Complaint Number 14-08-CBP-0169

Hello Dana,

Recently, we opened an UAC short form Complaint Number 14-08-CBP-0169. HHS ORR sent the original complaint. The main issue is time in custody, because the 17 year old was in custody for about 4 or 5 days in RGV around March 2014. There is a secondary issue of the UAC alleging that he witnessed physical abuse against an unnamed UAC during an unknown time.

Based on discussions with (b)(6) (also email chain below), he recommends that we request approval from you to close this case without issuing short form documents, because of the (b)(5) (b)(5) Since, the original complaint was received from ORR and thus did not receive an acknowledgement letter, we would recommend sending the attached modified close info layer style letter that (b)(6) drafted and (b)(6) reviewed. Please let us know if you approve this modified course of action.

Thank you

(b)(6)  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) (phone)  
(202) 253- (b)(6) (bb)  
(b)(6) @hq.dhs.gov



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have a valid "need-to-know" without prior approval of an authorized DHS official.

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**From:** (b)(6)  
**Sent:** Friday, June 27, 2014 6:15 PM  
**To:** (b)(6)  
**Subject:** Re: For Review: Short Form Complaint Number 14-08-CBP-0169

Yes this looks good. Thanks

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**From:** (b)(6)  
**Sent:** Friday, June 27, 2014 03:55 PM  
**To:** (b)(6)  
**Subject:** RE: For Review: Short Form Complaint Number 14-08-CBP-0169

Here is the draft for the close letter. Please let me know if I need to change anything.

(b)(6)  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
Office Phone: (202) 357 (b)(6)  
Mobile Phone: (845) 70 (b)(6)  
(b)(6) @hq.dhs.gov

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**From:** (b)(6)  
**Sent:** Friday, June 27, 2014 2:57 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: For Review: Short Form Complaint Number 14-08-CBP-0169

I don't think so but please send her a short email for her awareness. Thx

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**From:** (b)(6)  
**Sent:** Friday, June 27, 2014 2:44 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: For Review: Short Form Complaint Number 14-08-CBP-0169

I agree (b)(6) and based on our discussion, we will use the info layer close letter template for ORR to close the complaint. Administratively, do we need to do a memo or anything to Dana for the file?

Thank you

(b)(6)  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357 (b)(6) (phone)  
(202) 253 (b)(6) (bb)  
(b)(6) @hq.dhs.gov





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**From:** (b)(6)  
**Sent:** Friday, June 27, 2014 2:25 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: For Review: Short Form Complaint Number 14-08-CBP-0169

Hi (b)(6)  
A few edits attached. Are we sure we want to open this given (b)(5)

(b)(6)  
(b)(6)  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, June 25, 2014 11:59 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** For Review: Short Form Complaint Number 14-08-CBP-0169

Hello (b)(6)

I have attached for your final review the OGC approved draft short form notification email for Complaint Number 14-08-CBP-0169. I have also attached the initial incoming complaint for reference.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357-(b)(6) (phone)  
(202) 253-(b)(6) (bb)  
(b)(6) @hq.dhs.gov



# Homeland Security

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**From:** (b)(6)  
**Sent:** Wednesday, June 25, 2014 11:09 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: For OGC Review: Short Form Complaint Number 14-08-CBP-0169

(b)(6)

I don't have any edits to this one, thanks.

(b)(6)

Attorney Advisor

U.S. Department of Homeland Security

Office of General Counsel, Legal Counsel Division

(b)(6)

@hq.dhs.gov

Desk: 248 (b)(6)

Cell: 202 (b)(6)

Fax: 248 (b)(6)

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**From:** (b)(6)  
**Sent:** Tuesday, June 24, 2014 6:59 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** For OGC Review: Short Form Complaint Number 14-08-CBP-0169

Hello (b)(6)

I have attached for OGC review the draft short form notification email for Complaint Number 14-08-CBP-0169. I have also attached the initial incoming complaint for reference.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357- phone)

(202) 253- bb)

(b)(6) [@hq.dhs.gov](mailto: @hq.dhs.gov)



Homeland  
Security

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Homeland  
Security

August 19, 2014

(b)(6)

U.S. Department of Health and Human Services  
Office of Refugee and Resettlement

(b)(6)

@acf.hhs.gov

Re: Complaint Number 14-08-CBP-0169 (b)(6)

Dear Mr. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you dated May 6, 2014. Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in a database so that we can track those issues in order to identify patterns of violations involving the treatment of unaccompanied minors, including civil rights, civil liberties such as use of force, conditions of detention, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

Additionally, CRCL is addressing allegations raised in this complaint in combination with other complaints that raise issues similar to the ones you raised. As we work with U.S. Customs and Border Protection to address similar allegations, we will take into account issues described in your complaint and will incorporate your information as appropriate.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

We appreciate you bringing this matter to our attention. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If you have any further concerns, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crclcompliance@hq.dhs.gov](mailto:crclcompliance@hq.dhs.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Dana Salvano-Dunn".

Dana Salvano-Dunn  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**From:** CRCLCompliance  
**Sent:** 19 Aug 2014 15:17:03 -0400  
**To:** CRCLCompliance, (b)(6)  
**Subject:** Follow-up to DHS CRCL Complaint 14-08-CBP-0169  
**Attachments:** Close Letter Complaint 14-08-CBP-0169.pdf

Dear Mr. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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From: CRCL\_DHSOIGHotline  
To: (b)(6)  
Subject: RE: CRCL Complaint Number 14-08-CBP-0180 Box 1 email  
Date: Thursday, May 22, 2014 2:53:24 PM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6)@associates.hq.dhs.gov]  
Sent: Tuesday, May 20, 2014 1:25 PM  
To: CRCL\_DHSOIGHotline  
Cc: (b)(6)  
(b)(6)  
Subject: CRCL Complaint Number 14-08-CBP-0180

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 6, 2014 CRCL received email correspondence from (b)(6) of Florence Immigrant and Refugee Rights Project (FIRRP) on behalf of unaccompanied alien child (UAC) (b)(6) age 16. UAC (b)(6) alleges that while in Border Patrol custody at Brownsville, Texas on April 20, 2014 during his processing interview he was strip searched and verbally abused. In a small office with two BP agents, the female agent accused him of lying about his age and date of birth. The UAC states that the female agent insulted him, told him his Guatemalan ID and birth certificate were false documents, and she threatened that if he did not tell the truth about his age he would "become the wife of a black male detainee and the other detainees". The UAC describes the female agent as tall and thin, with black hair and

black eyes. The female agent left the room, and then the male agent told him to take off all of his clothes. The agent strip searched him, and then continued to interview him about his age for about 15 minutes, while the UAC was undressed. The UAC provided the following description of the male agent: white very tall male with green eyes and red hair. The UAC was allowed to get dressed after the interview, and a third agent gave him his documents, which the other male agent had thrown away.

(b)(6)

**Office for Civil Rights and Civil Liberties**  
**Department of Homeland Security**

202-357

(b)(6)

(b)(6)

[@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

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**From:** CRCLCompliance  
**To:** (b)(6) @firrp.org"  
**Subject:** Follow-up to DHS CRCL Complaint 14-08-CBP-0180  
**Date:** Tuesday, May 20, 2014 4:21:00 PM  
**Attachments:** 05.06.2014 14-08-CBP-0180.pdf

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Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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Homeland  
Security

May 20, 2014

*Via electronic mail*

(b)(6)  
Staff Attorney, Children's Program  
Florence Immigrant and Refugee Rights Project (FIRRP)  
202 E. McDowell Rd., Ste. 165  
Phoenix, AZ 85004  
(b)(6)@firrp.org

Re: Complaint No. 14-08-CBP-0180

Dear Ms. (b)(6)

On May 6, 2014, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint on behalf of (b)(6). Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

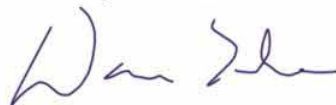
If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dana Salvano-Dunn', with a stylized, cursive script.

Dana Salvano-Dunn  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## Privacy Act Statement

**Authority:** 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

From: (b)(6)  
To: [CRCL](#)  
Subject: Civil Rights Complaint for Unaccompanied Alien Child  
Date: Tuesday, May 06, 2014 7:27:18 PM  
Attachments: [Complaint Packet to CRCL.pdf](#)

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To Whom It May Concern:

Please accept the attached documents as an official complaint on behalf of the Unaccompanied Alien Child, (b)(6)

Should you need any additional information, please do not hesitate to contact me.

Sincerely,

(b)(6)

Staff Attorney, Children's Program  
Florence Immigrant and Refugee Rights Project  
202 E. McDowell Rd., Ste. 165  
Phoenix, AZ 85004  
Email: (b)(6)@firrp.org  
Phone: (602) 307-(b)(6)  
Fax: (602) 340-(b)(6)





U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
CRCL/ Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

VIA EMAIL TO: [CRCL@dhs.gov](mailto:CRCL@dhs.gov)

To Whom It May Concern:

(b)(6)  
Staff Attorney  
Tel: 602.307. (b)(6)  
Fax: 602.340. (b)(6)  
(b)(6) @firrp.org

Children's Program:  
202 E. McDowell Rd.  
Suite 165  
Phoenix, AZ 85004

Web: [www.firrp.org](http://www.firrp.org)

This letter is an **OFFICIAL COMPLAINT** on behalf of (b)(6) an Unaccompanied Alien Child (UAC), regarding an instance of abuse by the Border Patrol at the time of his detention. The UAC reported that he was physically apprehended near the area of McAllen, Texas.

As an organization that provides legal assistance and advocates on behalf of unaccompanied minors who are under the care of the Office of Refugee Resettlement in Arizona, we are deeply concerned that this incident was a direct violation of the *Flores* Settlement Agreement and the basic civil and human rights of this child.

Attached is a formal declaration by the concerned minor, detailing the abuse he experienced with as much detail as he can remember. Also, attached is a Waiver of Anonymity signed by the UAC as consent and authority to receive personal information regarding the UAC's case with your office and any related subsequent investigation.

We hope that this incident will be promptly investigated and forwarded on to the appropriate bodies such that proper action can be taken to prevent similar incidents from occurring in the future. Please do not hesitate to contact the Florence Project with any questions or concerns you might have regarding this complaint. We welcome the opportunity to meet with you and further assist you in resolving this issue. Thank you for your attention to this important matter and for your assistance in insuring that unaccompanied minors taken into Immigration custody along the Texas border are treated in accordance with our laws.

(b)(6)

*Enclosures:*

- DHS Office of Civil Rights and Civil Liberties Civil Rights Complaint Form
- Waiver of Anonymity for CRCL/OIG Complaint
- Declaration of Unaccompanied Alien Child (UAC)



**Department of Homeland Security (DHS)**  
**Office for Civil Rights and Civil Liberties**

## Civil Rights Complaint

*Fillable Version (last modified 3/15/2011)*

*The purpose of this form is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This form is not intended to be used for complaints about employment with DHS. You are not required to use this form to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in the form.*

### **CRCL Mission:**

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

**Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this form, or write us an email or letter.**

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin (including language proficiency), religion, gender, or disability? (Note: do not use this form to make a complaint about employment discrimination; see [www.dhs.gov/eeo](http://www.dhs.gov/eeo).)
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity?

### **Notes on Confidentiality and Anonymity:**

- A)** You may remain anonymous by not filling in your name, below. However, CRCL may not be able to investigate your complaint unless you provide enough information to conduct an investigation.
- B)** Disclosure of the information you provide, including your identity, is on a "need-to-know" basis, and is discussed in the Privacy Statement at the end of this document. **IF YOU CHECK THE BOX BELOW, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct).** Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.  
☐ I do NOT want CRCL to disclose my name to other offices, and understand this decision will often make it impossible for an investigation to take place.
- C)** Retaliation against complainants to CRCL is unlawful: if you feel you have been a victim of retaliation, CALL US. 1-866-644-8360.

## Complaint Information

If you don't speak/write English, CRCL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**  
(fill in what you can)

Name: (b)(6) \_\_\_\_\_  
First and Middle Last

Phone #: Cell: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

Please note that we may contact you at the provided numbers.

Mailing Address: C/O The Florence Project, 202 E. McDowell St., Ste. #165, Phoenix, AZ 85004  
PO Box or Street address City State Zip

Date of Birth: (b)(6) \_\_\_\_\_ Email (optional): \_\_\_\_\_

Alien Registration #. (if you have one and it's available): 206- (b)(6) \_\_\_\_\_

☐ Check here if you are in detention now.

Which facility? \_\_\_\_\_ Youngtown, AZ 85363  
Facility name Facility address

☒ Check here if you are represented by an attorney in this matter. If so please provide the attorney's name and contact information see below.

② **Are you filling in this complaint form on behalf of another individual?** If yes, please provide your information.

Name: (b)(6) (b)(6) \_\_\_\_\_ Staff Attorney  
First Last Job title

Organization (if any): The Florence Immigrant and Refugee Rights Project

Phone #: Cell: \_\_\_\_\_ Home: \_\_\_\_\_ Work: (602) 307- (b)(6)

Mailing Address: 202 E. McDowell St., Ste. #165, Phoenix, AZ 85004  
PO Box or Street address City State Zip

③ **What happened?** Describe your complaint. Give as much detail about your experience as possible.

See attached Minor's Declaration.

Continue on an additional page, if needed.

**When did this happen? If ongoing, please indicate when the problem began.**

*(If it happened on more than one date, list all dates):*

On or about April 19th, 2014.

**Where did this happen?**

Place (for example, name the detention facility, airport, other): \_\_\_\_\_

City: near McAllen State or Country: Texas

**④ Who treated you unfairly?**

An employee, contractor, or officer of (check as many as apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Citizenship and Immigration Services (USCIS)         | <input type="checkbox"/> Not sure which DHS office                    |
| <input checked="" type="checkbox"/> Customs and Border Protection (CBP)*      | <input type="checkbox"/> Non-DHS employee working under the authority |
| <input type="checkbox"/> Customs Officer                                      | of DHS (e.g., 287g officer)   |
| <input checked="" type="checkbox"/> Border Patrol Agent                       | specify: _____  |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA)           |   |
| <input checked="" type="checkbox"/> Immigration and Customs Enforcement (ICE) |   |
| <input type="checkbox"/> Secret Service (USSS)                                |   |
| <input type="checkbox"/> Transportation Security Administration (TSA)*        |   |
| <input type="checkbox"/> U.S. Coast Guard (USCG)                              |   |
| <input type="checkbox"/> Other DHS program (specify) : _____                  |   |

\*If your complaint is about an incident at an airport, train station, or border crossing, you may also file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). TRIP and this Office will review your complaint together, resulting in a faster response. Go to: [www.dhs.gov/trip](http://www.dhs.gov/trip).

**⑤ List anyone else who may have seen or heard what happened.**

*(If you do not know their names, provide whatever details you can)*

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*



- ⑥ **Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint?**

☐ Yes: Agency/Office/Court \_\_\_\_\_ Date: \_\_\_\_\_

☒ No

**If so, has anyone responded to your complaint?**

☐ Yes ☐ No

If Yes, describe what has been done to respond to your complaint:

*Continue on an additional page, if needed.*

- ⑦ **Is there any other information you want us to know about or consider?**

See attached cover letter and Minor's Declaration.

*Continue on an additional page, if needed.*

- ⑧ **If you are not proficient in English, please indicate the language in which you prefer we communicate with you.**

Minor speaks Spanish.

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- ⑨ **If you have problems understanding this form or any other question, contact CRCL:**

**E-mail:** [crcl@dhs.gov](mailto:crcl@dhs.gov)

**Phone:** Local: 202-401-1474 or

Toll Free: 866-644-8360

**TTY:** Local TTY: 202-401-0470

Toll Free TTY: 866-644-8361

**Fax:** 202-401-4708

**By U.S. Postal Service:**

Department of Homeland Security

CRCL/Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, DC 20528

*Note:* Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

- ⑩ **To submit this form by email, please save, attach, and send to [crcl@dhs.gov](mailto:crcl@dhs.gov). Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.**

Submit copies, not originals; put your name and the date of this complaint on each document. (Fax to: 202-401-4708, or email scans of your documents to [crcl@dhs.gov](mailto:crcl@dhs.gov), or mail to the address listed above.)

## **Keep a copy of this complaint for your records.**

### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, CRCL will disclose the information regarding your complaint to other appropriate DHS offices, including the Office of the Inspector General. CRCL may also disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the **types** of complaints, and **do not include personal information**. To read our past reports, go to [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

To learn more about the Privacy Act go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

**You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.**



**FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT**

**WAIVER OF ANONYMITY FOR CRCL/OIG COMPLAINT**

Date: 5/2/2014

Name: (b)(6)

A#: (b)(6)

DOB:

I authorize the Florence Immigrant and Refugee Rights Project (FIRRP) or any of its duly authorized representatives to file a complaint on my behalf with the Office of Civil Rights and Civil Liberties (CRCL) and the Office of the Inspector General (OIG). I understand that I may be contacted at the later date by either of these agencies to confirm the allegations set forth in my complaint. I understand that my filing this complaint will not negatively affect my immigration case, nor will it confer any legal immigration status on me or my dependents.

I understand that FIRRP may use my personal story in future advocacy surrounding this complaint, but that FIRRP will never use my name or any information that could be used to identify me publicly.

I understand that the filing of the complaint does not initiate representation for immigration purposes. An attorney from FIRRP will not accompany me to court unless I have an independent representation agreement with FIRRP. My participation is voluntary and willing and does not guarantee a specific outcome for immigration purposes.

I understand that this consent expires one year from the date of my signing and I may withdraw my consent at any time.

BY SIGNING THIS AGREEMENT, I INDICATE MY UNDERSTANDING AND AGREEMENT WITH ITS ENTIRE CONTENTS.

IF I DO NOT READ AND UNDERSTAND ENGLISH, THIS AGREEMENT HAS BEEN READ TO ME IN THE Spanish LANGUAGE BY (b)(6) (print name) AND I UNDERSTAND AND AGREE WITH ITS ENTIRE CONTENTS.

(b)(6)  
Signature

5 2 2014  
Date

## DECLARATION

I, (b)(6), do swear to the following statements and information, which I believe to be true and correct to the best of my knowledge, and which have been orally translated back to me in person in the Spanish Language. I certify, under penalty of perjury, that this declaration is true and correct pursuant to 28 USC sec. 1746.

- 1) My name is (b)(6)
- 2) I speak Spanish.
- 3) I am currently residing at the [REDACTED] Shelter, located in Youngtown, Arizona.
- 4) I was born on [REDACTED] in Guatemala
- 5) On or about April 16, 2014, I crossed the U.S.-Mexico border near McAllen, Texas.
- 6) On or about April 19, 2014, I waved down a police officer to turn myself in because I had not eaten in approximately 3 days. The police officer called a border patrol officer who picked me up. This border patrol officer treated me well.
- 7) The border patrol officer drove me to a building.
- 8) I was then taken into a small office with two officers. I was told that I was going to the Guatemalan Consulate. The first official was a female officer dressed in a black uniform. She may have been Guatemalan because she reminded me of the women from my country. She spoke Spanish. She had black hair, black eyes, and was thin and tall.
- 9) The second officer was a white male dressed in a green uniform. He had green eyes and red hair. The male officer also spoke Spanish and was very tall.
- 10) This female officer accused me of lying about my birth date and age. She also insulted me. The female officer said that my federal Guatemalan ID and my birth certificate were both false documents.
- 11) The female officer threatened me. She said that if I did not say the truth about my age I would become the wife of a black male detainee and the other detainees. Then the female officer left the room and I was alone with the male officer.
- 12) The male officer told me to take off all of my clothes. He patted my body down but did not touch my private parts.
- 13) While I was still in the nude, the officer made me swear that I was telling the truth. Then he began asking me how old I was, my birth date, and where I was coming from. While I was undressed I remember the male officer laughing at me. I was undressed for about 15 minutes.



(b)(6)

- 14) After his questioning was complete, the male officer allowed me to put my clothes back on. Then he told me to sit and wait on a bench outside of the room.
- 15) When I was waiting outside of the room, a third male officer appeared. He called me a liar and then went into the small room where the second officer had undressed me. When he came back from the room, the third officer returned my identification and birth certificate that the second officer had thrown away. As he returned my documents, the third officer said that I would pay for being a liar.
- 16) Then I was taken to a larger room with more minors. I could not sleep because they did not turn the lights off the entire night. I stayed in that place for about half of the night.
- 17) I was then taken to another center with 1 adult and about 21 minors. They treated me better at the second center. I was at the second place for about 2 days.
- 18) The only time I was ever handcuffed was when I was being transferred from the second center to the airport before coming to the shelter in Arizona. My hands were handcuffed together with a chain around my waist. My ankles were also chained together.
- 19) As we travelled from Texas to Arizona, the other minors shared their stories and were treated similarly. They also had stories about being undressed and questioned about their age.

55 2014

Date

(b)(6)

### CERTIFICATE OF TRANSLATION

I, (b)(6) certify that I am competent in the Spanish language. I orally interpreted the foregoing affidavit from the English to the Spanish language. This oral interpretation was true and accurate to the best of my abilities.

Date:

5/5/14

(b)(6)

# CRCL Preliminary Findings and Recommendations Involving 29 Complaints by Unaccompanied Alien Children in Rio Grande Valley Sector CBP Response Memo Dated October 22, 2014

CRCL Recommendation	Action Required	Date Due	Responsible Person(s)
<p>1. (b)(5)</p>	<p>(b)(5)</p>	<p>1. 1/12/15 2. 1/26/15 3. 2/16/15</p>	<p>Office: Office of Border Patrol Name: (b)(6),(b)(7)(C) Title: Operations Officer Phone: 202 (b)(6),(b)(7)(C) Email: (b)(6),(b)(7)(C)@cbp.dhs.gov</p>

FOR OFFICIAL USE ONLY (FOUO)

**CRCL Preliminary Findings and Recommendations Involving 29 Complaints by  
Unaccompanied Alien Children in Rio Grande Valley Sector  
CBP Response Memo Dated October 22, 2014**

2.	(b)(5)		11/24/14	Office: Office of Border Patrol Name: (b)(6),(b)(7)(C) Title: Operations Officer Phone: 202.(b)(6),(b)(7) Email: (b)(6),(b)(7)(C)@cbp.dhs.gov
3.	(b)(5)		12/22/14	Office: Office of Border Patrol Name: (b)(6),(b)(7)(C) Title: Operations Officer Phone: 202.(b)(6),(b)(7) Email: (b)(6),(b)(7)(C)@cbp.dhs.gov

FOR OFFICIAL USE ONLY (FOUO)

# CRCL Preliminary Findings and Recommendations Involving 29 Complaints by Unaccompanied Alien Children in Rio Grande Valley Sector

## CBP Response Memo Dated October 22, 2014

<p>(b)(5)</p> <p>4.</p>	<p>1. Re-issue the TVPRA guidance with trafficking and credible fear screening guidance as a reminder.</p> <p>~ Compliance shown through: <b>Muster module issued to field.</b></p> <p>2. Ensure agents complete the online training available on the virtual learning center.</p> <p>~ Compliance shown through: <b>Mandatory annual virtual TVPRA training already implemented.</b></p>	<p>Completed, 10/27/14</p> <p>Muster module issued to the field and Virtual Learning Course is an annual training requirement.</p>	<p>Office: Office of Border Patrol</p> <p>Name: (b)(6),(b)(7)(C)</p> <p>Title: Operations Officer</p> <p>Phone: 202 (b)(6),(b)(7)</p> <p>Email: (b)(6),(b)(7)(C)@cbp.dhs.gov</p>
<p>5.</p>	<p>1. CBP shall issue Guidance on storing, tracking, managing, monitoring and filing report on the use of an Electronic Control Weapon (ECW.)</p> <p>~ Compliance shown through: See Chapter 4 and Chapter 8 of the newly issued <a href="#">CBP Use of Force Policy, Guidelines and Procedures Handbook</a></p>	<p>Completed, 10/2/14.</p> <p>CBP issued the <a href="#">CBP Use of Force Policy, Guidelines and Procedures Handbook</a> to the workforce on October 2, 2014. Chapter 8 covers storage. Chapter 4(B) covers all aspects of</p>	<p>Office: Office of Border Patrol</p> <p>Name: (b)(6),(b)(7)(C)</p> <p>Title: Operations Officer</p> <p>Phone: 202 (b)(6),(b)(7)</p> <p>Email: (b)(6),(b)(7)(C)@cbp.dhs.gov</p>

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**CRCL Preliminary Findings and Recommendations Involving 29 Complaints by  
Unaccompanied Alien Children in Rio Grande Valley Sector  
CBP Response Memo Dated October 22, 2014**

		reporting the use of less-lethal force, including ECW. Chapter 4(C)(5) discusses the use of the ECW.	
6.	(b)(5)	(b)(5)	02/16/15  Office: Office of Border Patrol Name: (b)(6),(b)(7)(C) Title: Operations Officer Phone: 202 (b)(6),(b)(7) Email: (b)(6),(b)(7)(C)@cbp.dhs.gov

FOR OFFICIAL USE ONLY (FOUO)



Homeland  
Security

July 9, 2014

MEMORANDUM FOR: R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection

Scott Falk  
Chief Counsel  
U.S. Customs and Border Protection

FROM: Tamara J. Kessler *TJK*  
Deputy Officer for Programs and Compliance  
Office for Civil Rights and Civil Liberties

David J. Palmer *DJP*  
Acting Associate General Counsel - Legal Counsel  
Office of General Counsel

SUBJECT: Rio Grande Valley Sector Complaints<sup>1</sup>  
Brownsville: 14-03-CBP-0129, 14-08-CBP-0180, 14-08-CBP-0191, 14-08-CBP-0206, 14-09-CBP-0243 14-09-CBP-0252, 14-09-CBP-0256  
Falfurrias: 14-07-CBP-0157, 14-09-CBP-0246  
Harlingen: 14-09-CBP-0244, 14-09-CBP-0255  
Kingsville: 14-01-CBP-0045  
McAllen: 13-07-CBP-0315, 13-08-CBP-0183, 14-07-CBP-0165, 14-09-CBP-0240, 14-09-CBP-0251, 14-09-CBP-0257  
Rio Grande City: 13-11-CBP-0310, 14-08-CBP-0181, 14-09-CBP-0245  
Weslaco: 14-02-CBP-0173, 14-03-CBP-0037, 14-08-CBP-0164, 14-08-CBP-0205, 14-09-CBP-0247, 14-09-CBP-0249, 14-09-CBP-0250, 14-09-CBP-0253

<sup>1</sup> CRCL has also received the following complaints involving the treatment of UAC at Border Patrol stations in the RGV Sector. These complaints contain allegations similar or identical to the allegations to be investigated pursuant to this memorandum.

- A) Excessive or Inappropriate Use of Force: 13-07-CBP-0182, 13-07-CBP-0185, 13-08-CBP-0180, 13-08-CBP-0206, 13-09-CBP-0204, 13-10-CBP-0272, 13-11-CBP-0308, 13-12-CBP-0294, 13-12-CBP-0296, 13-12-CBP-0319, 14-01-CBP-0087, 14-03-CBP-0028, 14-03-CBP-0036, 14-03-CBP-0046, 14-03-CBP-0047, 14-08-CBP-0206, 14-08-CBP-0215.
- B) Inadequate Medical Care: 13-08-CBP-0180, 13-08-CBP-0206, 13-10-CBP-0272, 13-12-CBP-0319, 14-01-CBP-0104, 14-03-CBP-0028.
- C) Inferior Hold Room Conditions: 13-02-DHS-0048, 13-07-CBP-0185, 13-08-CBP-0181, 13-09-CBP-0207, 13-11-CBP-0295, 14-03-CBP-0063, 14-08-CBP-0207.

***Protected by Attorney-Client and Deliberative Process Privileges***

The Office for Civil Rights and Civil Liberties (CRCL) has received complaints regarding the Rio Grande Valley Sector (RGV) Border Patrol (BP) stations, in southeast Texas. The complaints allege that U.S. Customs and Border Protection (CBP) has violated the civil rights and civil liberties of unaccompanied alien children (UAC). The purpose of this memorandum is to notify you of the complaints and describe the allegations, inform you that CRCL will retain the above-referenced complaints for investigation, and explain how CRCL will work with CBP during our investigation.

As part of this investigation, and consistent with its authority described below, CRCL will investigate the allegations contained in the complaints as they relate to policy and federal laws governing the treatment of UAC in DHS custody.<sup>2</sup> While onsite, CRCL will focus the investigation on general conditions of detention, the provision of medical care, and allegations concerning the deploying of Electronic Control Weapons (ECWs) and other use of force options against UAC. Below is a summary of the various issues CRCL will cover. Medical care and ECWs are specifically described, as these allegations are particularly egregious. All the complaints listed above are then summarized and grouped by Border Patrol Station in order to organize the issues that will be covered at each location.

Additionally, on June 11, 2014, CRCL received a letter from the National Immigrant Justice Center (NIJC), and on behalf of several additional immigration advocacy organizations, which contained 116 individual complaints involving multiple Border Patrol Sectors. Of these matters, CRCL has retained 38, 24 of which occurred in the RGV Sector. In addition to general conditions of detention, the issues also include telephone access and the handling of credible fear claims. Of the 38 retained complaints, the Office of Inspector General (OIG) has currently retained six complaints. Accordingly, the list below includes only those RGV complaints from the NIJC letter that were opened by CRCL and not those complaints that were retained by the OIG. The descriptions of the complaints that are not part of the NIJC submission are prefaced with the date of their receipt by CRCL.

### *Medical Care*

Fourteen of the complaints discussed below allege denial of medical care or inappropriate medical care for UAC in Border Patrol custody in the RGV Sector. Many of those complaints also contain other allegations of UAC mistreatment that will also be addressed during the onsite investigation (they are noted as “Medical” in overall list). Through these complaints CRCL will examine such issues as medical screening, provision of medication, emergency medical care, and medical clearance determinations.

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<sup>2</sup> Including: A) U.S. Border Patrol, Hold Rooms and Short Term Custody Policy (January 31, 2008), which describes the treatment of UAC and provisions afforded to UAC when in Border Patrol custody; B) *Flores v. Meese*, No. 85-cv-4544, Stipulated Settlement Agreement (C.D. Cal. Jan. 17, 1997), which outlines federal responsibilities toward the handling and treatment of UAC; C) The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Pub. L. No. 110-457, 122 Stat. 5044 (Dec. 23, 2008) (codified, in part, as amended in scattered sections of U.S.C.), describes mandates for the identification and protection of victims of human trafficking who are children, and places limits on timeframes for transfer of UAC from DHS custody into the custody of HHS ORR; D) Though currently in final stages of review, the CBP uniform policy (draft), National Standards on Transport, Escort, Search and Detention (referred to as “TEDS”) should be mentioned here as it contains additional detailed provisions for CBP regarding the treatment of UAC in the four categories.



### *Use of Electronic Control Weapons (ECW)*

Three of the complaints discussed below allege that a UAC either witnessed or was subjected to the deployment of an ECW in the RGV Sector. Although many complaints also allege other types of force used against UAC that will also be addressed during the onsite investigation, those involving ECWs will entail reviewing whether the use of Tasers against UAC is appropriate in these instances, whether the reporting system is sufficient, and whether training for agents outlines when such use is appropriate. While onsite, the CRCL investigation team will include a contracted use of force expert who will review policy, procedure and training in this area, as well as review the circumstances under which the ECWs and other uses of force were used. These complaints are marked below as "ECW."

### ALLEGATIONS - BROWNSVILLE

#### Complaint No. 14-03-CBP-0129

On December 16, 2013, CRCL received a complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of UAC (b)(6); age 17. The UAC alleges lack of food while in Border Patrol custody for over 72 hours. The UAC states that while at the station where he spent a full night, he was never provided food or water when he requested it and that two different agents denied food to everyone in his hold room.

#### Complaint No. 14-07-CBP-0157 (Medical)

On April 13, 2014, CRCL received an email complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of UAC (b)(6); age 17. According to EARM records, the UAC was apprehended on November 30, 2013, by the Brooks County Sheriff's Department after the UAC drove off a bridge that was under construction, resulting in a spine injury, hospitalization, and surgery. Fifteen days after surgery, Border Patrol arrested the UAC and processed him at the Falfurrias station. While in Border Patrol custody at Falfurrias, the UAC alleges that agents withheld his prescribed medications. He was subsequently transferred to the Brownsville station where he alleges that his prescription medications were lost and replaced with an over-the-counter pain medication. While the UAC reports that he received crutches at Brownsville, he also complains that he had to sleep on the floor with only a thin mattress.

#### Complaint No. 14-08-CBP-0180

On May 6, 2014, CRCL received an email complaint from the Florence Immigrant and Refugee Rights Project on behalf of UAC (b)(6); age 16. The UAC alleges that during his processing interview at the Brownsville station on April 20, 2014, he was verbally abused and strip searched. He alleges that two agents accused him of lying about his age and falsifying his Guatemalan ID and birth certificate, and then disposed of them. The agents allegedly threatened (b)(6) that he would be sexually abused by an adult male detainee if he was not truthful. According to the complaint, one of the agents instructed the UAC to remove his clothing, searched him, and continued to interview the unclothed UAC about his age.

#### Complaint No. 14-08-CBP-0191 (Medical)

On May 27, 2014, CRCL received a SIR HHS ORR on behalf of UAC (b)(6); age 13. The UAC alleges that while she was in Border Patrol custody three



male agents verbally abused her, denied a phone call to her mother, and threw her food on the ground: food that she describes as “ice cold bologna with a yellow center.” In addition, the UAC claims that she reported stomach pain as a result of surgery two months prior, and that agents denied her pain medication and additional sanitary napkins. The UAC states that as a result she remained in custody with blood-stained pants.<sup>3</sup> No health issues are recorded in EARM.

Complaint No. 14-08-CBP-0206 (ECW)

On May 28, 2014, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6); age 16. The UAC alleges that during apprehension on May 4, 2014, near Mission, Texas, a Border Patrol agent was verbally abusive, calling him a “dog.” The same agent allegedly threatened to kick those aliens who did not respond when spoken to. In addition, at the Brownsville station, the UAC claims he witnessed an agent lift up a minor by the neck and physically push him against a glass structure, which caused the minor to bleed. He also claims the agent threatened to use an ECW against the bleeding minor's brother. The UAC also alleges that an agent threatened the minors with sexual abuse by an adult male detainee, and then an adult Mexican detainee was brought into the juvenile hold room, where he immediately began using derogatory and intimidating language toward the minors.

Complaint No. 14-09-CBP-0243 (Medical)

The complaint made allegations on behalf of UAC (b)(6); age 17. The UAC alleges that he was not provided with food or drinks for two full days during the several days that he remained in Border Patrol custody. When he did receive food and juice, the UAC states that he became ill but did not receive medical care. The UAC also alleges that the hold room was cold, personal hygiene items were not provided, and his property was not returned. Records show the UAC was in Border Patrol custody for 9 days, and transferred to HHS ORR on May 16.

Complaint No. 14-09-CBP-0252 (Medical)

The complaint made allegations on behalf of UAC (b)(6); age 16. The UAC was apprehended near Hidalgo, Texas, on May 9, 2014, along with her two-year old son, and both were transported to the Brownsville station for processing. The UAC alleges she was provided inedible food at Brownsville. She also alleges that she was not allowed to make phone calls, and was not provided diapers for her child when needed. The UAC also claims she became ill and requested medication, however agents either ignored her requests or stated they had no medication. Her two-year-old child also began feeling ill and developed a fever; however, she alleges that Border Patrol did not transport her to the hospital until several days after she first reported feeling ill.<sup>4</sup>

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<sup>3</sup> HHS ORR medical records confirm the UAC's report of undergoing surgery for an ovarian cyst.

<sup>4</sup> According to EARM records, the UAC was transported to the Brownsville station after apprehension on May 9, and was taken to the Valley Baptist Medical Center in Brownsville on May 16 for flu symptoms, where she was treated and cleared. That same day the UAC was transferred to HHS ORR.

Complaint No. 14-09-CBP-0256 (ECW, Medical)

The complaint made allegations on behalf of UAC (b)(6) age 13. The UAC alleges that, during his apprehension by Border Patrol on May 1, 2014, near Brownsville, Texas, an agent with a canine pulled him out from underneath a car where he was hiding, and the canine scratched the right side of his face, causing his eye to bleed. Although he reports that he was in two stations for a total of five days, the UAC alleges that he never received medical care for his visibly injured eye. Additionally, at a second facility, the UAC states that he witnessed a male minor being taken outside and subjected to an ECW deployment. This allegedly caused the minor to fall to the ground, shaking, and caused his eyes to roll back. Afterwards, according to the UAC, the tased minor was brought back into the cell, placed in a chair, and restrained at his wrists and ankles.

#### ALLEGATIONS – FALFURRIAS

Complaint No. 14-07-CBP-0157 (Medical)  
See description under the Brownsville station.

Complaint No. 14-09-CBP-0246 (Medical)

The complaint made allegations on behalf of UAC (b)(6) age 16. The UAC claims that agents were verbally abusive during her apprehension and accused her of lying about her age. She claims that over the nine days that she was in custody, she spent time in several different stations which were cold and blankets were not provided. She also claims the food included moldy bread which made her ill, and when she requested medication it was denied. When she vomited, the UAC alleges an agent became angry, verbally abused her, and accused her of being pregnant. She also complains that the hold room toilet areas were unclean with used sanitary napkins and soiled toilet paper covering the floor.

#### ALLEGATIONS – HARLINGEN

Complaint No. 14-09-CBP-0244

The complaint made allegations on behalf of UAC (b)(6) age 15. The UAC alleges that he was placed in 3-point shackles during transport to ORR. Records state the UAC was apprehended by Border Patrol on May 2, 2014, near Hidalgo, Texas, transported to the Harlingen station for processing, and then transferred to the Fort Brown Station and that the UAC was in custody for 7 days.

Complaint No. 14-09-CBP-0255 (Medical)

The complaint made allegations on behalf of UAC (b)(6) age 11. The UAC alleges that while he was in Border Patrol custody the station's water was undrinkable and tasted like chlorine, that he received only one container of juice, the cell was cold, and he did not receive hygiene items. In addition, he alleges the food caused him stomach pain for two days, but when he told an agent, the agent was verbally abusive to him.



## ALLEGATIONS – KINGSVILLE

### Complaint No. 14-01-CBP-0045 (ECW)

On October 16, 2013, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) age 17. The UAC alleges he was physically and verbally abused during apprehension by an agent who continually tightened his handcuffs and then yelled at him when the UAC complained that the handcuffs were too tight. He also alleges that an agent used an ECW on his friend, who was also a minor. The UAC also states that he and other minors were refused water after apprehension. Of note, e3 records do not include the date and time of the transfer.

## ALLEGATIONS - MCALLEN

### Complaint No. 13-07-CBP-0315 (ECW)

On April 26, 2013, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) age 17. During apprehension, when the UAC walked away from the agent, the agent allegedly deployed an ECW near the UAC's left hip.

### Complaint No. 13-08-CBP-0183 (ECW, Medical)

On May 9, 2013, CRCL received a complaint from ProBAR on behalf of UAC (b)(6) age 17. The UAC alleges physical abuse and threats of bodily harm by Border Patrol agents at the McAllen station. (b)(6) reports that he was physically abused by Border Patrol (BP) agents after crossing the Rio Grande River with two other UAC near Penitas, Texas, on or around April 17, 2013. The UAC claims that two agents approached them, ordered him to get on the ground, and shortly after he complied the two other minors were thrown on top of him. The UAC also alleges that one of the agents began singing the words, "I'm going to deport you." He also alleges that an agent approached him with an ECW, asked if he knew what it was and, when he replied that he did not, the agent deployed the ECW on him while he was underneath the other minors causing extreme pain in his right arm and lack of sensation and control until the next day. There is no indication that the UAC received medical care following the alleged ECW deployment. On April 26, 2013, CRCL received an SIR from HHS ORR reporting the same allegations.

### Complaint No. 14-07-CBP-0165

On April 21, 2014, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) age 17. The UAC alleges that after his apprehension on December 4, 2013, he remained in Border Patrol custody for approximately nine days in two different stations. At the second station the UAC claims the toilet overflowed, but agents refused to assist. Later, he reports the problem was repaired but the hold room was not cleaned until a day later, which caused the hold room to smell bad.

### Complaint No. 14-09-CBP-0240

The complaint made allegations on behalf of UAC (b)(6) age 15. The UAC alleges that she was in Border Patrol custody in two different stations, where the hold rooms were cold, the water was undrinkable because it tasted like chlorine, and she was fed

only twice a day with food that made her ill. In addition, she claims that agents would hit their batons inside the hold room so the UACs could not sleep. She also reports that agents separated her from her “family” (siblings and cousins). According to EARM records, she was apprehended by Border Patrol on May 8, 2014, near Hidalgo, Texas, and transported to the McAllen Station for processing.

Complaint No. 14-09-CBP-0251 (Medical)

The complaint made allegations on behalf of UAC (b)(6), age 16. The UAC and her two-year old son were apprehended by Border Patrol near Hidalgo, Texas, on May 3, 2014. The UAC claims that they were transferred from one station to another station where they were placed in a hold room with several minors and approximately twenty-five adults. She reports that no one was provided with a blanket. While in custody, the UAC states that her child became ill and had a fever. However, when she told an agent, the agent said the child didn’t look sick and he would ask someone else about it. Another agent arrived and told the UAC that he could only take them to the hospital if her son was very ill, and he then left the cell and closed the door. Allegedly, that same day an agent insisted the two-year-old child’s birth certificate was invalid because it lacked a photo, and then verbally abused the UAC when she responded that Honduran birth certificates don’t have photos.

Complaint No. 14-09-CBP-0257

The complaint made allegations on behalf of UAC (b)(6), age 16. The UAC and her infant son were apprehended by Border Patrol on May 2, 2014, and transported to the McAllen station where the UAC alleges the hold room was so overcrowded that she could not sit. She also claims that she and her son did not have a blanket for most of their time in custody. The UAC further claims that she saw other women with infants asking the agents for milk but did not receive it, causing the children in hold rooms to cry from hunger.

ALLEGATIONS – RIO GRANDE CITY

Complaint No. 13-11-CBP-0310 (Medical)

On August 25, 2013, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6), age 17. During his July 27, 2013 apprehension, the UAC alleges that an agent restrained his wrists tightly, ignored the UAC’s pleas to loosen the restraints and, instead, further tightened them. The UAC also alleges that while he was restrained the agent continually pushed the UAC’s shoulder into the ground, causing it to bleed. The UAC claims that he cleaned his own shoulder wound while he was at the Rio Grande City Station, until he was transported to the hospital two days later for hand and shoulder injuries. The UAC identified the agent as the vehicle driver who transported him to the Rio Grande City station.

Complaint No. 14-08-CBP-0181 (Medical)

On May 12, 2014, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6), age 16. The UAC alleges that she and her prematurely born infant were held in inappropriate conditions at the Rio Grande City station. The UAC was apprehended on April 19, 2014, near Mission, Texas. Several hours after processing at the Rio Grande City station, the UAC began to feel abdominal pain, and was transported to the hospital by Border Patrol. She gave birth to a four pound premature baby on April 21 and remained in the



hospital for approximately 10 days. Prior to her hospital release, she states that her doctor informed a Border Patrol agent that the premature baby could not be around other people, but the agent responded that he must follow orders, and subsequently returned the UAC and her infant to the Rio Grande City station. The UAC claims she and her infant remained in a dirty hold room for 2 days where she had no appropriate space to change her infant's diapers as the hold room was full of garbage and sick people. Although the UAC went through a premature birth, the EARM records state the UAC "appears to be in good health," and also notes that she gave birth on April 26, 2014. The UAC was transferred to HHS ORR custody on April 30, 2014.

Complaint No. 14-09-CBP-0245 (Medical)

The complaint made allegations on behalf of UAC (b)(6) age 16. The UAC alleges that he was not provided water during the four days he remained in Border Patrol custody at the Rio Grande City station. He further alleges that he received frozen food twice a day, which made him ill. However, when he requested to see a doctor, he claims that agents ignored him. The UAC also alleges that agents would yell at him and hit him when he fell asleep. Finally, he reports that his personal belongings were not returned to him.

ALLEGATIONS – WESLACO

Complaint No. 14-02-CBP-0173

On November 14, 2013, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) (b)(6); age 17. The UAC alleges that after his October 27, 2013, apprehension near Mission, Texas, he was transported to the Weslaco Station, where he was mistreated by an agent who pressured him to sign a document. Because he feared unknowingly signing a deportation document, the UAC states that he did not provide his signature. Subsequently, according to the complaint, the agent then directed the UAC to remove all of his clothing, except his underwear, and he would remain unclothed if he did not agree to sign the document. The UAC states that he signed the document because he was afraid and cold.

Complaint No. 14-03-CBP-0037 (ECW, Medical)

On December 29, 2013, CRCL received an email complaint from ProBAR on behalf of UAC (b)(6) (b)(6); age 16. The UAC alleges physical abuse and the use of an ECW by Border Patrol agents during his apprehension on October 29, 2013, near Hidalgo, Texas. The UAC states that he was lying on his back behind a bush when an agent approached him and deployed an ECW on his stomach. When he attempted to stand, the UAC states the agent stood on top of his leg, and pressed down with force. The UAC further states that the agent then pushed him, kneed him twice in his stomach, kicked him several times in the same leg that the agent stood on, and then pushed and kicked him into a thorn bush which caused injuries to his neck. The UAC reports that he cleaned his own wounds at the Weslaco station and did not receive medical attention.

Complaint No. 14-08-CBP-0164

On May 6, 2014, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6) (b)(6); age 13. The UAC alleges that after apprehension by Border Patrol on April 30, 2014, near Hidalgo, Texas, he was transported to the Weslaco Station, where he was separated from his older sister. He alleges that an agent yelled at him when he asked to stay with his sister.

Complaint No. 14-08-CBP-0205 (Medical)

On May 28, 2014, CRCL received a SIR from HHS ORR on behalf of UAC (b)(6); age 14. The UAC alleges that Weslaco agents initially denied her medical attention when she requested it due to pain, which turned out to be labor pains preceding a still birth. According to the complaint, an agent allegedly told the UAC that she was lying about the pain because she believed it would help her get released to her family. Additionally, initial review of records associated with this apprehension highlights multiple recordkeeping problems, including discrepancies between the I-213 and electronic records.

Complaint No. 14-09-CBP-0247 (Medical)

The complaint made allegations on behalf of UAC (b)(6); age 15. The UAC alleges that she was mistreated by Border Patrol over the course of two days. She alleges that she did not receive blankets even though the hold rooms were cold, that she received no medical care for stomach pain which was preventing her from eating, that the water tasted like chlorine, that agents yelled at her, and that she was shackled tightly during transport. The UAC also reports that she cared for a four-year-old girl who was held separately from the girl's brother at Weslaco.

Complaint No. 14-09-CBP-0249

The complaint made allegations on behalf of (b)(6); age 10. After his and his older sister's apprehension by Border Patrol on May 5, 2014, and upon their arrival at the station, the UAC alleges that he and his older sister were separated. He claims that agents did not tell him why they were separated or when he would see his sister again. The UAC claims that there were approximately 40 older teenagers in his hold room.

Complaint No. 14-09-CBP-0250 (Medical)

The complaint made allegations on behalf of UAC (b)(6) age 17, and her one-year old daughter. The UAC alleges that she and her baby were held by Border Patrol for nine days at three different facilities. The UAC also claims that at the first station she was only allowed to change her daughter's soiled diaper one time during the entire day. She states that her child cried throughout the day due to her soiled diaper and lack of warm clothing and that they never received a blanket. Further, she alleges that her baby received no food other than milk until they arrived at the second station. When she requested medical care for her daughter, agents allegedly stated that no medical staff was available. At the third facility, the UAC alleges that she only received food twice a day for her baby

Complaint No. 14-09-CBP-0253 (Medical)

The complaint made allegations on behalf of UAC (b)(6) age 14. The UAC alleges that agents confiscated her gold necklace and her asthma medication when she was apprehended near Hidalgo, Texas. The UAC claims that while detained at the Weslaco station, she had an asthma attack. When she alerted the agents of her worsening condition, the agents allegedly threatened punishment if she was lying. After eventually receiving medical care, she received an inhaler and pills, however, the agents also confiscated the medication. She alleges that she experienced multiple asthma attacks during the five days she spent in custody at Weslaco, where agents only allowed her access to the inhaler when her asthma attacks became obviously



serious. The UAC also claims that she told the agents she had not received food, but they told her to “suck it up.” According to records, the UAC was apprehended on April 19, 2014 near Hidalgo, Texas and was taken to the hospital for “chest pain” on April 20.

### CRCL

*CRCL mission.* CRCL supports the Department’s mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all the Department’s activities:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel;
- Leading the Department’s equal employment opportunity programs and promoting workforce diversity and merit system principles.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. In investigating complaints, if CRCL believes that the complaints raise similar issues, CRCL may look into whether there are systemic problems that justify a broader investigation. Pursuant to its authority under 6 U.S.C. § 345(a)(3), CRCL shall assist components to “periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities.”<sup>5</sup> Additionally, pursuant to DHS Delegation Number 19003, issued October 26, 2012, the Secretary has delegated to the Officer of CRCL the authority to “[a]ssess[] new and existing policies throughout the Department for the policies’ impact on civil rights and civil liberties” and “review . . . programs within any Component to ensure compliance with standards established by the Officer for CRCL to protect civil rights and civil liberties.” The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500, DHS Instruction 046-01-001, and DHS Instruction 046-01-002.

*Access to information.* 42 U.S.C. § 2000ee-1(d) grants the Officer access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;

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<sup>5</sup> In addition, pursuant to 42 U.S.C. § 2000ee-1(a)(2), CRCL has the authority to “periodically investigate and review department, agency, or element actions, *policies, procedures, guidelines*, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions” (emphasis added).

- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and its accompanying request for information are pursuant to these authorities.

*Privilege and required transparency.* Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges as well as any other applicable privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s website—that is required to detail “any allegations of [civil rights/civil liberties] abuses . . . and any actions taken by the Department in response to such allegations.”

We look forward to working with your staff on this matter and will report back to you our findings and any recommendations.

#### SCOPE OF REVIEW

The purpose of our review is to determine if the allegations in the complaints can be verified or disproven; if the facts we find suggest that the Constitution, a federal statute, or a Departmental policy has been violated; and what steps if any should be taken by CBP to address the complaints, both individually (if the problem is ongoing) and as a matter of policy. This review will also examine the additional areas specified above for similar concerns related to protection of civil rights and civil liberties.

#### QUESTIONS PRESENTED

(b)(5) The investigation will cover whether CBP employees or officials conformed to CBP policies and procedures, and to civil rights requirements, in the treatment of UAC apprehended and in custody in the named Border Patrol stations within the RGV Sector. In particular, we will review the treatment of UAC within the following areas of concern:

- Apprehension/use of force;
- Verbal and physical abuse;
- Processing/credible fear and trafficking screening;
- Age determination process;
- Medical screening/medical care (infants, young children, pregnant females);
- Telephone access (family, consulate);
- Body searches;
- Hold room placement (separation of family members, separation of UAC by age group, separation UAC from unknown adults, overcrowding);

(b)(5)

- Hold room conditions (cleanliness, blankets/bedding, temperature control, snacks/meals by age group);
- Personal hygiene;
- Pregnant UAC care;
- Infant care;
- Sexual abuse and assault prevention and intervention;
- Language access (LEP);
- ICE FOJC notification and ORR placement procedures;
- Recordkeeping (e3, EARM); and
- Training

It is possible that our investigation will reveal other matters of concern; if this occurs, we will inform you.

#### INITIATING THE INVESTIGATION

The investigation of these complaints is assigned to CRCL Senior Policy Advisors (b)(6) and (b)(6) Office of Border Patrol staff Agent (b)(6) will accompany the CRCL investigation team during this onsite. The onsite investigation is scheduled for the week of July 14, 2014.

We look forward to continuing to work together to determine all the facts surrounding these matters and, if appropriate, the best way forward. If you have any questions, please do not hesitate to contact (b)(6) by phone at 202-357-(b)(6) 866-644-8361 (TTY) or by email at (b)(6)@hq.dhs.gov, or (b)(6) by phone at 202-357-(b)(6) or by email at (b)(6)@hq.dhs.gov.

Copies to:

(b)(6)(b)(7)(C)  
Michael J. Fisher

Chief, U.S. Border Patrol  
Office of Border Patrol  
U.S. Customs and Border Protection  
(b)(6)@cbp.dhs.gov

(b)(6)(b)(7)(C)  
Robert M. Lewandowski

Chief of Staff  
Office of Border Patrol  
U.S. Customs and Border Protection  
(b)(6)@cbp.dhs.gov



(b)(6),(b)(7)(C)

Supervisory Special Agent, Office of Internal Affairs/IOD  
Office of Border Patrol

U.S. Customs and Border Protection

(b)(6),(b)(7)(C)@cbp.dhs.gov

(b)(6),(b)(7)(C)

Executive Director

Privacy and Diversity Office

U.S. Customs and Border Protection

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Enclosures

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From: CRCL\_DHSOIGHotline  
To: (b)(6)  
Subject: RE: CRCL Complaint Number 14-08-CBP-0181 Box 1 email  
Date: Thursday, May 22, 2014 2:48:45 PM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6)@associates.hq.dhs.gov]  
Sent: Tuesday, May 20, 2014 1:25 PM  
To: CRCL\_DHSOIGHotline  
Cc: (b)(6)  
(b)(6)  
Subject: CRCL Complaint Number 14-08-CBP-0181

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 12, 2014 CRCL received email correspondence from (b)(6) of South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6) (b)(6), age 16. UAC (b)(6) alleges that after apprehension by Border Patrol in Mission, Texas (Rio Grande Valley Sector), on April 19, 2014, she gave birth prematurely and after giving birth she and her baby were held in a dirty Border Patrol hold room for almost two days. In addition, the hold room was filled with garbage, sick people, and she was unable to find a place to change her baby's diaper. UAC (b)(6) states that after processing at the Rio Grande City Station, about 6 hours later, she began to feel pains, and then Border patrol took her to the hospital where she gave

birth on April 21, 2014 to a premature baby that was only 4 pounds. She states that she was at the hospital about 10 more days after giving birth, and prior to being released from the hospital, her doctor told the BP agent that the premature baby could not be around other people, but the agent informed the doctor that he had to follow orders and take them back to BP station. According to EARM records, the UAC appears to be in good health, and the UAC gave birth to a child on April 26, 2014. The UAC was transferred to HHS ORR custody on April 30, 2014.

(b)(6)

**Office for Civil Rights and Civil Liberties**  
**Department of Homeland Security**

202-357 (b)(6)

(b)(6) [@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email*

**From:** CRCL Compliance  
**To:** (b)(6) @americanbar.org  
**Subject:** Follow-up to DHS CRCL Complaint 14-08-CBP-0181  
**Date:** Tuesday, May 20, 2014 2:52:00 PM  
**Attachments:** 05.12.2014 14-08-CBP-0181.pdf

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Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



*This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail, and delete the message.*





Homeland  
Security

May 20, 2014

*Via electronic mail*

(b)(6)

Children's Staff Attorney  
South Texas Pro Bono Asylum Presentation Project (ProBAR)  
119 W. Van Buren Ste. 204  
Harlingen, TX 78550

(b)(6)

@americanbar.org

Re: Complaint No. 14-08-CBP-0181

(b)(6)

Dear Ms.

(b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on May 12, 2014 on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dana Salvano-Dunn', is positioned above the printed name.

Dana Salvano-Dunn  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## Privacy Act Statement

**Authority:** 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

From: (b)(6)  
To: [CRCLCompliance](#)  
Subject: CBP complaint by UAC and her premature baby  
Date: Monday, May 12, 2014 2:51:48 PM  
Attachments: [CBP complaint McAllen](#) (b)(6).pdf

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Good Afternoon,

Please find attached a CBP complaint letter and affidavit. Note that this complaint is particularly concerning because it involves a UAC and her premature four pound baby. I look forward to hearing from you. Thank you in advance.

Best,

(b)(6)

Children's Staff Attorney  
South Texas Pro Bono Asylum Representation Project (ProBAR)  
(a project of the American Bar Association Commission on Immigration)  
119 W. Van Buren, Ste. 204  
Harlingen, TX 78550  
(b)(6)@gmail.com  
tele: (956) 365- (b)(6)  
fax: (956) 365- (b)(6)



May 12, 2014

Department of Homeland Security  
Attn: Office of Inspector General  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

RE: McAllen Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in McAllen, Texas, where we have received a **report of grossly negligent and inadequate treatment of an unaccompanied minor and her four pound premature baby**. We are attaching the affidavit signed by the minor.

• (b)(6) age 16, A# (b)(6)  
(b)(6) currently detained at the IES Foster Hidalgo facility in Brownsville, Texas. (b)(6) child, (b)(6) is United States citizen and he is being held with (b)(6) in ORR custody. For your references the event number is (b)(6)

(b)(6) reports receiving grossly negligent and inadequate treatment by Border Patrol Officers in a processing station ("hielera") in or near McAllen, Texas. She states that on or about April 19, 2014, she entered the United States and was apprehended by Border Patrol. (b)(6) explains that the Officers asked her if she was feeling okay because she was notably pregnant. After hours in the first processing station, (b)(6) states that she began feeling labor pains and was later taken to the hospital.

On April 21, 2014 (b)(6) gave birth to her child, (b)(6). She notes that her baby was born prematurely and only weighed four pounds. She explains that the doctor told the Border Patrol Officer that the baby could not be around other people because he was born prematurely. Once the doctor released (b)(6) from the hospital, she states that the Border Patrol Officer told her she would be placed in a place that was more comfortable.

But (b)(6) states that instead she was taken to a different processing station where there were "lots of people and children." She explains that the facility was "very dirty with garbage, and there were sick people coughing." (b)(6) further notes that she did not have an adequate place to change her premature baby's diapers or any place where she could provide him with proper care.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the *Flores v. Reno Settlement Agreement*, including medical assistance in the event of emergencies. In addition, U.S. Border Patrol Policy (08-11267), titled, *Hold Rooms and Short Term Custody*, also sets out standards in regard to the duration of detention for UACs (6.2.4), general procedures for UACs who have medical issues or need treatment (6.6-6.7.4) and procedures for processing juveniles into ORR custody (6.24.3).

It is unclear whether there is a particular procedure or policy in place to protect children such as (b)(6) and her four pound premature baby, who were placed back into CBP custody at a processing station after being released from a hospital.

I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody. Where proper procedures to address this issue are lacking, action must be taken to avoid repetition of what (b)(6) and her premature baby experienced.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR and we request that you do so. If you have any questions, please contact me at (956) (b)(6). Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General  
245 Murray Drive, SW, Building 410/Mail Stop 2600  
Washington, DC 20528  
Via facsimile to (202) 254-4297

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
245 Murray Drive, SW, Building 410  
Washington, DC 20528  
Via electronic mail to [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)

Department of Homeland Security  
Joint Intake Center, ICE/CBP  
P.O. Box 14475  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044  
*Via facsimile to (202) 344-3390*

Department of Homeland Security  
Office of Internal Audit  
425 "I" Street, NW  
Washington, DC 20530

Commission on Immigration  
American Bar Association  
1050 Connecticut Ave., NW, Suite 400  
Washington, DC 20036  
*Via electronic mail*

Customs and Border Protection  
McAllen Station  
3000 West Military Highway  
McAllen, TX 78503

(b)(6)  
c/o (b)(6)  
1885 East Price Road  
Brownsville, TX 78521  
*Via hand delivery*



My full and complete name is: (b)(6)

My assigned Alien number is: (b)(6)

I was detained by Border Patrol Agents at or near: Hidalgo, Texas

I was detained by Border Patrol Agents on or about: April 19, 2014

My age at the time I was detained: 16 FINS #: (b)(6)

Event #: (b)(6)

Border Patrol Agent: (b)(6), (b)(7)(C)

Supervisor: (b)(6), (b)(7)(C)

Location of Border Patrol Agent: Rio Grande City, Texas

I, (b)(6) declare and affirm that the following took place:

We crossed the river. Then we were walking when the Patrol caught us. They asked us questions - where were we from, my name, + how old I was. I answered everything, and they also asked if I was OK because they said I was pregnant. I said yes. Then they took us to the "hielera" where there were a lot of people and children. Then they took our fingerprints and photos. After that, they locked us in the "hielera." I was there for about six hours when my pains began. I alerted them and they took me to the hospital. I was in the hospital two days while they gave me medicines, and then on April 21, my baby was born. I was in the hospital about 10 more days because my baby was born premature. He weighed 4 pounds. When the doctor let us out of the hospital, the Patrol took me back to the "hielera" with my baby. They asked me questions and asked me to sign some papers. They told me they would put me in a place more comfortable than before. I thought that's what would happen but they took me back to the "hielera" in a room where there were a lot of people and children. The room



was very dirty, with garbage, and there were sick people coughing. I was there a day and a half, almost two days. I didn't have any place to put my baby. There was no good place to change his diaper, and no place to care for him correctly since he was premature. Before I left the hospital, the doctor asked the officer who was guarding <sup>me</sup> where they would take me. The doctor said the baby could not be where there were other people because the baby was premature. The officer said he didn't know that he only followed orders and would take me to the station. I understood because the doctor said that in Spanish, and the officer made a gesture that he didn't know where they would put me but that he would take me to the station.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

5/8/2014

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

Signature

5/8/2014

Date

From: (b)(6),(b)(7)(C)  
To: (b)(6) (b)(6),(b)(7)(C)  
Cc: (b)(6),(b)(7)(C)  
Subject: RE: Preliminary UAC Medical Question  
Date: Wednesday, May 14, 2014 2:22:33 PM  
Attachments: (b)(6) 213.pdf  
Detention Log.pdf

---

(b)(6)

This is what I can get you for now. Attached are the I-213 and e3 Detention Log.

Timeline:

04/19/14 – Apprehended at 2:25 p.m.  
04/19/14 – Arrived at Station 3:38 p.m.  
04/19/14 – Arrived at hospital 9:50 p.m.  
04/26/14 – Delivered a baby.  
04/30/14 – Back in BP custody at 5:10 p.m.  
05/01/14 – Turned over to ERO (IES) at 1:36 p.m.

I have not been able to determine what time the complainant requested medical assistance. I do know that she arrived at the hospital approximately six hours after arriving at the station.

We do not have copies of her medical records.

---

From: (b)(6)  
Sent: Wednesday, May 14, 2014 1:56 PM  
To: (b)(6),(b)(7)(C)  
Cc: (b)(6),(b)(7)(C)  
Subject: Preliminary UAC Medical Question

Hello (b)(6),(b)(7)(C)

CRCL just received 1 new complaint involving an unaccompanied alien child. CRCL has not issued complaint documents yet on this case, because CRCL has not yet determined to open the case for investigation. The complaint was not clear regarding when she informed Border Patrol that she needed medical attention and when Border Patrol returned her from the hospital to the BP Station. Could you preliminary provide the UAC's medical records and the dates of when the following UAC was in BP custody?

- CRCL Number Contact-DHS-14-0343: (b)(6)

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) phone)

(202) 253-(b)(6) (bb)  
(b)(6) @hq.dhs.gov



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From: (b)(6),(b)(7)(C)  
To: (b)(6) (b)(6),(b)(7)(C)  
Cc: (b)(6),(b)(7)(C)  
Subject: Re: Preliminary UAC Medical Question  
Date: Wednesday, May 14, 2014 2:39:10 PM

---

Yes there would, it will be in the A-File which is most likely in ICE ERO custody.

(b)(6),(b)(7)(C)

Assistant Chief  
HQ Office of Border Patrol  
OBP Liaison to CBP-IA  
Washington, D.C.  
(O) 202- (b)(6),(b)(7)(C)  
(C) 202-

Sent from Blackberry

---

From: (b)(6)  
Sent: Wednesday, May 14, 2014 02:37 PM  
To: (b)(6),(b)(7)(C)  
Cc: (b)(6),(b)(7)(C)  
Subject: RE: Preliminary UAC Medical Question

Hello (b)(6),(b)(7)(C)

Thank you for the quick turnaround with the custody information. This greatly clarifies the vague timeline that we received, which provided differing estimates regarding time in custody. Since the UAC went to the hospital would there be a cleared to travel note from the doctor?

Thank you

(b)(6)  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(202) 357- (b)(6) (phone)  
(202) 253- (b)(6) (bb)  
(b)(6) @hq.dhs.gov



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Duplicate



**From:** (b)(6)  
**Sent:** 30 Oct 2014 10:36:01 -0400  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: Please ensure these are all retained in Entellitrak

Also (b)(6) would like 14-09-CBP-0241 to be dropped into the RGV Retention Memo because we looked at sibling separation onsite, and it should have been one that we retained for that onsite, he says. So, the attached signed Retention Memo has it dropped in with a note. Will you please have one of the interns upload this Edited-Signed Retention Memo to every complaint listed in the Retention Documents (listed on top and in the footnotes, and add a note saying "This signed Retention Memo contains a dropped-in complaint post-onsite because it was investigated in the onsite but not included in the original signed Retention Memo." (Directed by (b)(6) during docket review.) I will upload this email in the dropped in complaint with the note, because I have to move it to retained anyway, so the intern doesn't have to do this one.

I hope that's clear. Please stop by if not. Thank you!

(b)(6)

Duplicate

From: [DHSOIGHotlineMailbox](#)  
To: (b)(6) CRCL DHSOIGHotline  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 14-08-CBP-0191  
Date: Thursday, June 05, 2014 3:10:10 PM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

From: (b)(6)  
Sent: Monday, June 02, 2014 11:09 AM  
To: CRCL DHSOIGHotline  
Cc: (b)(6)  
Subject: CRCL Complaint Number 14-08-CBP-0191

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 27, 2014 CRCL received an email referral from Health and Human Services Office of Refugee and Resettlement (HHS ORR) on behalf of unaccompanied alien child (UAC) (b)(6) (b)(6), age 13. According to EARM records, the UAC was apprehended by Border Patrol on May 11, 2014 in Hidalgo, Texas (Rio Grande Valley Sector), she was transported to the Brownsville Station, and then transferred to HHS ORR custody on May 12, 2014. UAC (b)(6) alleges that while she was in Border Patrol custody she was verbally abused, denied a phone call to her mother, and her food was thrown on the ground and was ice cold bologna with a yellow center. The UAC states that three male agents treated her unfairly, and she provided the following description of the agents: two were bald white males, one with a goat t and dark hair. In addition, the UAC states that she informed the agents of her stomach ache, because two months ago she had a cysts removed from her ovaries causing her menstrual cycle to be longer than 11 days with a heavy flow. The UAC alleges that the agents denied pain medication, denied a second sanitary napkin, and denied a request for sheets so

that she did not get blood stains on the surface she laid on. The UAC states that her pants were all stained with blood. According to EARM records, the UAC did not disclose health issues. HHS ORR medical records note the UAC's ovarian cyst.

(b)(6)

**Office for Civil Rights and Civil Liberties**  
**Department of Homeland Security**

202-357- (b)(6)

(b)(6)

[@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

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**From:** (b)(6)  
**To:** (b)(6)  
**Subject:** FW: Allegation of Possible Abuse/Neglect USBP FW: SIR (b)(6)  
**Date:** Tuesday, May 27, 2014 4:13:30 PM  
**Attachments:** SIR (b)(6).pdf  
Memo (b)(6).pdf  
DRO- (b)(6).pdf

---

Please see the attached information and documentation.

Please advise if additional information is required.

Thank you,

(b)(6)

HHS ACF ORR DCS

202.631 (b)(6)

(b)(6)@acf.hhs.gov

---

**From:** (b)(6)  
**Sent:** Friday, May 23, 2014 6:42 PM  
**To:** (b)(6)  
**Subject:** FW: Allegations against USBP FW: SIR (b)(6)

Did you send this to CRCL?

(b)(6)

Federal Field Specialist

U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement/Division of Children's Services  
(b)(6)@acf.hhs.gov  
202-570 (b)(6) (Mobile)

---

**From:** (b)(6)  
**Sent:** Friday, May 23, 2014 11:10 AM  
**To:** (b)(6)  
**Subject:** FW: Allegations against USBP FW: SIR (b)(6)

Hi Tere - Friendly reminder to send this to CRCL for 24 hour reporting.

(b)(6)

Federal Field Specialist

U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement/Division of Children's Services

(b)(6) @acf.hhs.gov

202-570-(b)(6) (Mobile)

---

**From:** (b)(6)  
**Sent:** Thursday, May 22, 2014 6:42 PM  
**To:** (b)(6)  
**Subject:** Allegations against USBP FW: SIR (b)(6)

Hello,

Please see the SIR submitted for allegations against USBP in the email attached. Also attached is the DRO packet submitted by the program along with the minor's initial medical exam that took place at the time of his arrival to the program. There are no pictures on file for the alleged abuse reported.

Please advise if there is any additional information needed or if there are any other steps you would like me to take.

Thank you

(b)(6)

Federal Field Specialist

U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement/Division of Children's Services

(b)(6) @acf.hhs.gov

202-570-(b)(6) (Mobile)

---

**From:** (b)(6) [mailto:(b)(6)@swkey.org]

**Sent:** Thursday, May 22, 2014 11:25 AM

(b)(6)

**Subject:** SIR (b)(6)

SIR: Casa Presidente

Client Name: (b)(6)

Summary: REPORTED VERBAL AGGRESSIVENESS AND NEGLECT BY DHS OFFICIALS

Reported by: (b)(6)

(b)(6)

MSSW

Clinician  
Southwest Key Programs, Inc.  
Casa El Presidente

1 Ted Hunt Blvd  
Brownsville, Texas 78521  
Direct Line: (956) 589-(b)(6)

\*\*\*\*\*

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Page 069 of 155

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act



Page 070 of 155

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

Page 071 of 155

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

Page 072 of 155

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

From: CRCL DHSOIGHotline  
To: (b)(6)  
Cc:  
Subject: RE: CRCL Complaint Number 14-08-CBP-0209 - Box 1 Email  
Date: Wednesday, June 18, 2014 11:06:54 AM  
Attachments: image003.png

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

From: (b)(6)  
Sent: Monday, June 16, 2014 3:12 PM  
To: CRCL DHSOIGHotline  
Cc: (b)(6)  
Subject: CRCL Complaint Number 14-08-CBP-0209

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 20, 2014 CRCL received an email referral from Health and Human Services Office of Refugee and Resettlement (HHS ORR) on behalf of unaccompanied alien child (UAC) (b)(6) age 12. UAC (b)(6) alleges that he was in Border Patrol custody over 72 hours and was denied food. The UAC was apprehended by Border Patrol on May 9, 2014 in Eagle Pass, Texas (Del Rio Sector), he was transported to the Eagle Pass Station and Del Rio Station, and then transferred to HHS ORR custody on May 15, 2014. In addition, the UAC states that he was denied food during apprehension when he asked, and only received one cookie and one juice in the twelve hour time period from when he was apprehended.

(b)(6)  
**Office for Civil Rights and Civil Liberties**  
**Department of Homeland Security**  
202-357-(b)(6)  
(b)(6)@associates.hq.dhs.gov

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From: (b)(6)  
To: (b)(6)  
Subject: FW: SIR BCS TFC (b)(6)  
Date: Tuesday, May 20, 2014 6:32:50 PM  
Attachments: (b)(6) SIR.pdf

---

Good Evening,

Please find attached SIR regarding the above UAC.

(b)(6)  
Federal Field Specialist Supervisor  
United States Department of Health and Human Services  
Administration of Children and Families  
Office of Refugee Resettlement  
Division of Children's Services

(O) 202- (b)(6)  
(C) 202- (b)(6)  
(F) 202- (b)(6)  
(b)(6)@acf.hhs.gov



---

From: (b)(6)  
Sent: Tuesday, May 20, 2014 3:31 PM  
To: (b)(6)  
Subject: FW: SIR BCS TFC (b)(6)

Please see attached SIR alleging that minor was denied food for 12 hours. Officers were Border Patrol.

\*\*\*\*\*

(b)(6)  
Federal Field Specialist  
U.S. Dept. of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement  
Division of Children's Services  
Phone: 202- (b)(6)

---

From: (b)(6)@bethany.org]  
Sent: Monday, May 19, 2014 5:27 PM  
To: (b)(6)  
(b)(6)  
(b)(6) ACF SIRHOTLINE (ACF): (b)(6)  
Subject: SIR BCS TFC (b)(6)

SIR Bethany Christian Services Transitional Foster Care

(b)(6)

Summary: Youth reports staying longer than 72 hours in U.S. detention center and receiving inadequate food during his stay in the center. Youth reports witnessing community violence.

Reported by: (b)(6)

(b)(6)

Bethany Christian Services  
Transitional Foster Care Therapist  
Family and Individual Therapist

T: 616.396 (b)(6)

(b)(6)@bethany.org

12048 James St.  
Holland, MI 49424

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From: (b) (6)  
To: JOINT INTAKE (b) (6), (b) (7)(C) (b) (6)  
Cc: (b) (6) (b) (6)  
Subject: CRCL Short Form Complaint Notification (14-08-CBP-0209)  
Date: Wednesday, July 02, 2014 11:30:36 AM

---

Dear Colleagues,  
The DHS Office for Civil Rights and Civil Liberties is initially handling the below matter as a Short Form Complaint.

**CRCL Short Form Complaint: #14-08-CBP-0209**

(b) (6)

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 20, 2014, CRCL received an email referral from the U.S. Department of Health and Human Services Office of Refugee and Resettlement (HHS ORR) on behalf of unaccompanied alien child (UAC) (b) (6) age 12. UAC (b) (6) alleges that he was in Border Patrol custody over 72 hours and denied food. The UAC was apprehended by Border Patrol on May 9, 2014 in Eagle Pass, Texas (Del Rio Sector). He was transported to the Eagle Pass Station and Del Rio Station, and then transferred to HHS ORR custody on May 15, 2014. In addition, the UAC states that, although he requested food, he was denied adequate food during apprehension, and only received one cookie and one juice in the twelve hour time period from when he was apprehended.

Please review the circumstances of this incident as it pertains to the allegations and provide CRCL with the following information:

- (b)(5)
1. Copy of the UAC's alien file, including the I-213 and narrative.
  2. Copies of all e3 detention logs, during the period in which the UAC was in DHS custody, including feeding logs.
  3. What food do the Eagle Pass Station and Del Rio Station provide UACs for meals and snacks?
  4. Was the UAC in USBP custody over 72 hours? If so, why?
  5. When was the UAC identified as a juvenile?
  6. When were HHS ORR and the FOIC contacted requesting bed space for the UAC?
  7. When was the USBP notified that bed space was available for the UAC?
  8. Any existing reports or records related to the reason for the extended detention of the UAC.
  9. Any existing records of requests or complaints made by the UAC and any responses to those requests or complaints while in USBP custody.

Please provide your response to me at (b) (6) @hq.dhs.gov. Thank you for your assistance with this request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management



Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to “[i]nterview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(202) 357 (b)(6) (phone)

(202) 253 (b)(6) (bb)

(b)(6) @hq.dhs.gov



**Homeland  
Security**

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**Homeland  
Security**

**REQUEST FOR INFORMATION AND DOCUMENTS**

**Institution to Receive Information:**

Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW, Building 410  
Washington, DC 20528-0800  
Phone: 202-357-7770  
Fax: 202-401-4708

**CRCL Staff Assigned:**

(b)(6)  
Senior Policy Advisor  
202-357-(b)(6)  
(b)(6)@dhs.gov

**Complaints:**

Rio Grande Valley Sector Complaints

Brownsville:

14-03-CBP-0129, 14-08-CBP-0169,  
14-08-CBP-0180, 14-08-CBP-0191,  
14-08-CBP-0206, 14-09-CBP-0243,  
14-09-CBP-0252, 14-09-CBP-0256

Falfurrias:

14-07-CBP-0157, 14-09-CBP-0246

Harlingen:

14-09-CBP-0244, 14-09-CBP-0255

Kingsville:

14-01-CBP-0045

McAllen:

13-07-CBP-0315, 13-08-CBP-0183,  
14-07-CBP-0165, 14-09-CBP-0240,  
14-09-CBP-0251, 14-09-CBP-0257

Rio Grande City:

13-11-CBP-0310, 14-08-CBP-0181,  
14-09-CBP-0245

Weslaco:

*Protected by Attorney-Client and Deliberative Process Privileges*

14-02-CBP-0173, 14-03-CBP-0037,  
14-08-CBP-0164, 14-08-CBP-0205,  
14-09-CBP-0247, 14-09-CBP-0249,  
14-09-CBP-0250, 14-09-CBP-0253

### **Purpose of the Request:**

The Office for Civil Rights and Civil Liberties (CRCL) has received complaints regarding the Rio Grande Valley Sector (RGV) Border Patrol (BP) stations, in southeast Texas. The complaints allege that U.S. Customs and Border Protection (CBP) have violated the civil rights and civil liberties of unaccompanied alien children (UAC). The allegations involve medical care, use of force and conditions of detention.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500.

More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill” its functions, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This request for information is pursuant to these authorities.

### **Information Requested:**

1. <sup>(b)(5)</sup> Please see the attached chart for a list of documents requested for individual complaints. We have included CBP case numbers in the chart, where available, for your reference. Please note that information relating to some of the above-listed complaints has been requested by CRCL previously. The chart indicates where information relating to these complaints has already been received, to reduce possible duplication of efforts.
  - a. “X” indicates CRCL has already received the document from CBP.

- b. "N/A" indicates that document is not applicable to the complaint and therefore is not needed.
  - c. A blank box indicates CRCL still requests the document.
- 2. Copies of all official musters issued to the RGV sector agents from May 1, 2014 to July 1, 2014.
- 3. All Use of Force Reporting System (UFRS) reports from the RGV Sector Stations from May 1, 2014 to July 1, 2014.
- 4. The identity of the agent(s) responsible for oversight of ECW control and maintenance at each station (troubleshooting, downloads, issuing Digital Power Magazines, etc.)
- 5. ECW Data Downloads from all BPAs certified to carry ECWs in the RGV Sector, organized by station.
- 6. The identity and contact information for all RGV Sector Station Chiefs and Deputy Chiefs.
- 7. CRCL requests the following agents be available for interviews at the following times:
  - a. McAllen Station, Friday July 18, 2014, between 9 AM and 1 PM
    - i. BPA (b) (6), (b) (7)(C)
    - ii. BPA
- 8. Further, CRCL plans to speak with agents on site regarding intake processing, facility procedures and other issues raised in the above listed complaints.
- 9. Copy of standard preamble language given to witnesses or alleged victims interviewed by CBP during investigations.

**Expected Date of Delivery:**

CRCL requests the above information as soon as possible, while recognizing the limited timeframe available for collecting the above information. The CRCL site visit to the RGV Sector is scheduled for July 14-18, 2014.



From: DHSOIGHotlineMailbox  
To: (b)(6) CRCL DHSOIGHotline  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 14-07-CBP-0168  
Date: Tuesday, May 13, 2014 8:46:19 AM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

From: (b)(6) @associates.hq.dhs.gov]  
Sent: Monday, May 12, 2014 10:01 AM  
To: CRCL DHSOIGHotline  
Cc: (b)(6)  
(b)(6)  
Subject: CRCL Complaint Number 14-07-CBP-0168

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On April 13, 2014, CRCL received email correspondence from (b)(6) of South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6) (b)(6) 17 years old. According to EARM records, the UAC was apprehended on November 22, 2013 by Border Patrol in Pharr, Texas (Rio Grande Valley Sector), and then transported to the Weslaco Station for processing. The UAC alleges that during apprehension at night along with 8 other migrants, while he was running a BP agent, identified as (b)(6),(b)(7)(C) grabbed him by the shirt, then the UAC pulled away, and Agent (b)(6),(b)(7)(C) jumped on top of him. The UAC states that the agent began to hit him in the face with his fist, kicked him, stopped momentarily, and then used a taser against the UAC's shoulder near his back. The UAC states that he felt very stiff, and then Agent (b)(6),(b)(7)(C) continued to hit him on the face and kicked him. Then he was handcuffed, and taken to the car. The UAC alleges that the incident resulted in bruises on his face, nose, and a cut on the ear. The UAC



claims that he did not hit the agent. The UAC states the he was in BP custody for 5 or 6 days, then was taken to the hospital, but only for a check-up and he did not receive treatment for his pain and bruises.

According to EARM, the UAC was sentenced to 71 days confinement for Assault on Public Servant after he assaulted a USBP agent during his apprehension. The I-213 notes that the UAC appeared to be in good health, and the UAC was medically cleared from Knapp Medical Center. On February 4, 2014 the UAC was transferred to HHS ORR custody from Hidalgo County Jail.

Thank you.

(b)(6)

Compliance Branch

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security



(202)357

(b)(6)

(o)

(b)(6)

@associates.hq.dhs.gov

*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.*



Homeland  
Security

May 12, 2014

*Via electronic mail*

(b)(6)

Children's Staff Attorney  
South Texas Pro Bono Asylum Representation Project (ProBAR)  
119 W. Van Buren, Ste. 204  
Harlingen, TX 78550

(b)(6)@americanbar.org

Re: Complaint No. 14-07-CBP-0168

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on April 13, 2014, on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Dana Salvano-Dunn  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## Privacy Act Statement

**Authority:** 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



From: (b)(6)  
To: [CRCLCompliance](#)  
Subject: 7 CBP complaints  
Date: Sunday, April 13, 2014 5:59:50 PM  
Attachments: CBP complaint Falfurrias and Brownsville (b)(6).pdf  
CBP complaint Kingsville (b)(6).pdf  
CBP complaint McAllen (b)(6).pdf  
CBP complaint McAllen (b)(6).pdf  
CBP complaint Weslaco (b)(6).pdf  
CBP complaint Weslaco (b)(6).pdf  
CBP complaint Weslaco (b)(6).pdf

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Good Evening,

I have attached seven separate CBP complaints by UACs.

Best,

(b)(6)

Children's Staff Attorney  
South Texas Pro Bono Asylum Representation Project (ProBAR)  
(a project of the American Bar Association Commission on Immigration)  
119 W. Van Buren, Ste. 204  
Harlingen, TX 78550  
(b)(6)@gmail.com  
tele: (956) 365-3775  
fax: (956) 365-3789

April 11, 2014

Department of Homeland Security  
Attn: Office of Inspector General  
245 Murray Drive, SW, Building 410  
Washington, DC 20528

RE: Weslaco Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Weslaco, Texas, where we have received a **report of physical abuse of an unaccompanied minor**. We are attaching the affidavit signed by the minor.

- (b)(6) currently detained at Southwest Key (SWK) Casa La Esperanza – Staff Secure facility in Brownsville, Texas. For your reference the event number is (b)(6)

(b)(6) reports that he was mistreated by a Border Patrol Officer in or near Pharr, Texas. (b)(6) states that on or about November 22, 2013 he fled from an officer. (b)(6) notes that the officer jumped on him and both parties fell on the floor. (b)(6) states that the officer kicked and hit (b)(6) face with closed fists.

(b)(6) reports that, after a period of time, the officer stopped beating him and stood up. (b)(6) notes that he sat up, and the officer tazed him. (b)(6) indicates that he fell back on the floor and the officer continued to punch and kick him. (b)(6) further notes that he was bruised and his car was cut.

(b)(6) reports he did not hit the officer; however, the officer stated the contrary. (b)(6) notes that the officer was (b)(6), (b)(7)(C). Even though (b)(6) reports being taken to a hospital, he notes that he was not given medicine despite being in pain for several days. (b)(6) states that his back and face were photographed at the processing station.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) 365-3775. Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General  
245 Murray Drive, SW, Building 410/Mail Stop 2600  
Washington, DC 20528  
*Via facsimile to (202) 254-4297*

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
245 Murray Drive, SW, Building 410  
Washington, DC 20528  
*Via electronic mail to CRCLCompliance@hq.dhs.gov*

Department of Homeland Security  
Joint Intake Center, ICE/CBP  
P.O. Box 14475  
1200 Pennsylvania Avenue, NW  
Washington, DC 20044  
*Via facsimile to (202) 344-3390*

Department of Homeland Security  
Office of Internal Audit  
425 "I" Street, NW  
Washington, DC 20530

Commission on Immigration  
American Bar Association  
1050 Connecticut Ave., NW, Suite 400  
Washington, DC 20036  
*Via electronic mail*

Customs and Border Protection

Weslaco Station  
1501 E. Expressway 83  
Weslaco, Texas 78559

(b)(6)

c/o SWK Casa La Esperanza – Staff Secure  
321 Lorenaly Dr.  
Brownville, TX 78526  
*Via personal delivery*



My full and complete name is:

My assigned Alien number is:

I was detained by Border Patrol Agents at or near:

I was detained by Border Patrol Agents on or about:

My age at the time I was detained:

FINS #:

Event #:

Border Patrol Agent:

Supervisor:

Location of Border Patrol Agent:

(b)(6)

declare and affirm that the following took place:

I crossed the Rio Grande with about 8 other people at night. We walked about half an hour. Then a lot of Border Patrol agents, some walking others in four-wheelers, started chasing us. Then the group separated. I started to run. As I ran a Border Patrol agent grabbed me by my shirt on my shoulder. At first I thought I was being grabbed by someone in my group since the lights were turned off. Then I saw it was a Border Patrol agent and got scared and I started to run faster and I pulled away from him. He continued to chase me. After running a bit more he jumped on me and we both fell to the ground. I was face up and he started hitting me with his fists on my face. He also kicked me. After he hit me for a while he stopped and got up, and I sat up. I heard him say "Ya, " After saying that he used a taser against my shoulder on my back. I felt very stiff. He then continued to hit me with his fists on my face while I was back on ground. He also kicked me. He then calmed down, put me face down and handcuffed me. Then I stayed there for about five or ten minutes. Then I was taken to a cage. I was left with bruise on my face, nose, and with the kicks

I received a cut on my ear. I did not hit him but he accused me of hitting him. I was at a Border Patrol station for five or six days. I was taken to a hospital, but only for a check up. I was not given any medicine. I was in pain. The agent that hit me was short, light complexioned, skinny, his name is (b)(6), (b)(7)(C). I felt I was treated badly. My photos were taken at the Border Patrol station of my face and my back.

I declare and affirm under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint or a copy of this complaint to release any and all information about this complaint or its investigation to South Texas Pro Bono Asylum Representation Project (ProBAR).

(b)(6)

Signature

2/6/2014

Date

I, (b)(6), hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the

for (b)(6) English.

2/6/2014

Date



# Homeland Security

To: Dana Salvano-Dunn, Director for Compliance, CRCL

From: (b)(6) CTR), Compliance, CRCL

Date: October 28, 2014

Complaint Number: 13-07-CBP-0315 (b)(6)  
 13-11-CBP-0308  
 14-01-CBP-0045  
 14-03-CBP-0037  
 14-07-CBP-0168

## Findings for Closure without Recommendations:

<input type="checkbox"/> Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded <input type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	<input checked="" type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input type="checkbox"/> No finding of detention standards violations <input type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint being handled as part of a related complaint (Related) <input checked="" type="checkbox"/> Other: CRCL will make recommendations to CBP on ECW practice and procedure in the Rio Grande Valley Sector site visit recommendations memo.
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## Reason for Closing:

The above-listed complaints contain allegations involving the use of Electronic Control Weapons (ECW) by U.S. Border Patrol Agents (BPAs) on minors apprehended in the Rio Grande Valley Sector during 2013 and 2014. Although the allegations of excessive force in these complaints could not be substantiated, CRCL will make recommendations regarding ECW practice and procedure based on the July 2014 Rio Grande Valley Sector site visit in a separate memorandum. Therefore, I recommend we close these complaints with no further action.

### 13-07-CBP-0315

On April 26, 2013, CRCL received a Significant Incident Report (SIR) from HHS ORR regarding UAC (b)(6). During the UACs intake assessment, he alleged that, during his apprehension on April 11, 2013, he approached a BPA and stated he was a minor. He alleged that the BPA did not believe him and when he went to go talk to another BPA, he was tased.

CRCL requested information about this complaint from CBP, and, on June 19, 2014, CBP provided a Report of Investigation (ROI) and accompanying exhibits. Based on the information provided, the UAC was apprehended on March 3, 2013, not April 11, 2013. Only one of the three BPA's involved in the UAC's apprehension is certified to carry an ECW. A review of the ECW issued to that BPA shows no deployments on either March 3, 2013 or April 11, 2013. Records provided show that the UAC was recorded as saying he was in good health and did not require medical attention. Further, CBP investigators interviewed the UAC and, during the interview, he withdrew his allegation and said the BPAs treated him well. In the interview, the

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minor states that he started to run from the BPAs but stopped when one of the BPAs said he was going to help the UAC because of his age. Based on the above, the allegation that an ECW was used on the UAC is unfounded.

#### **13-11-CBP-0308**

On August 8, 2013, CRCL received a SIR from HHS ORR regarding UAC (b)(6)

(b)(6) During the UACs intake assessment, he alleged that during his apprehension on June 30, 2012, a BPA tased him, causing him to fall to the ground. When the same BPA asked him to get up, the BPA kicked the UAC in the back.

CRCL requested information about this complaint from CBP and, on June 6, 2014, CBP provided a Report of Investigation (ROI) and accompanying exhibits. The information provided indicates that on June 30, 2014, at approximately 03:00 AM, a BPA performing patrol duties was advised that Air National Guard had a visual of a large group of suspected illegal migrants. The group was related to a 2 vehicle bailout at a nearby highway. The BPA approached the area and was advised by Air National Guard that they had a visual of 2 subjects who appeared to be the guides for the group fleeing westbound. The BPA gave foot chase and encountered an individual later determined to be (b)(6) who continued to flee despite verbal commands to stop in English and Spanish. After a short chase, the BPA made physical contact and attempted to restrain the subject, who actively resisted the BPAs efforts and commands. The agent deployed his issued ECW once and was able to affect arrest. The BPA discovered only one barb has successfully attached. The BPA, a certified EMT, removed the barb from the subjects left hip and evaluated him for any additional injuries.

The subject was later determined to be a UAC, who was 14 years old, 60 inches (5'0 feet), and 120 pounds. ECW policy states that agents should consider using other force options on subjects that are small children or low body mass index individuals. The policy and associated training does not provide guidance regarding standards for determining which persons fall into those categories. In this case, the subject was a 14 year old UAC with a slight build. However, extenuating circumstances that could have factored into the BPA's determination to use force is that it was dark (03:21 AM), the BPA had reason to believe the UAC was a guide/smuggler, and the BPA was alone with a large group of migrants close by. Based on these circumstances, I cannot conclude that the BPA did not follow the appropriate use of force guidance when he discharged the ECW.

The BPA notified his supervisor of the ECW deployment immediately from the scene, and later notified the JIC and completed all reporting requirements in the Use of Force Module. Based on the information reviewed, the allegation of excessive force is unsubstantiated.

#### **14-01-CBP-0045**

On October 16, 2013, CRCL received a complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) regarding UAC (b)(6)

(b)(6) The UAC alleged that BPAs used excessive force on another UAC he was traveling with when they tased him during his apprehension on September 11, 2013.

CRCL requested the ECW download records from all agents involved in the apprehension. CBP identified the four agents involved in the apprehension; however the agents that were certified to carry ECWs sometimes used ECWs checked out from the armory weapons pool so they were

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unable to determine which exact ECWs may have been carried that night.<sup>1</sup> CBP provided ECW data downloads from all the ECWs from the station where the agents are stationed. A review of these records shows no deployment on the date and approximate time span of the UACs apprehension. Based on this information, the allegation that a ECW was used and that excessive force was employed in its use, is unsubstantiated.

#### **14-03-CBP-0037**

On December 29, 2013, CRCL received a complaint from ProBar regarding UAC (b)(6) (b)(6). The UAC alleged that he was physically abused and that a BPA used an ECW on him during his apprehension on October 29, 2013. CRCL requested information about this complaint from CBP and, on July 8, 2014, CBP provided CRCL with a copy of a Management Inquiry, copies of a Use of Force Reporting System (UFRS) query for the date in question and information about the agents involved. Neither agent involved in the apprehension of the UAC is certified to carry an ECW. A query of the UFRS for reports of intermediate force used in the RGV Sector on the date of the UACs apprehension returned no results.

The agents interviewed about this matter did not recall apprehending this UAC and denied all allegations of physical abuse. Processing records reflect the UAC appeared to be and stated he was in good health. The I-213 color photograph of the UACs head and neck, taken from the front, shows no injuries. When agents attempted to interview the minor, then-released into the custody of his uncle, they were told by his uncle that the UAC had been struck by a car outside his home and died from his injuries. Based on the information available, allegations of physical abuse and use of an ECW could not be substantiated.

#### **14-07-CBP-0168**

On April 13, 2014, CRCL received a complaint from ProBAR regarding UAC (b)(6) (b)(6). The complaint alleged that the UAC was physically abused and an ECW was used on him during apprehension on November 22, 2013.

A review of EARM and I-213 records indicate that the UAC was actively resistant. He was convicted in state court of Assault on a Public Servant for assaulting the BPA involved in his apprehension. He was sentenced to 71 days confinement. The UAC was taken to Knapp Medical Center and medically cleared. Based on this information, CRCL cannot conclude that the BPA acting outside of the CBP Use of Force policy and the allegations of excessive force cannot be substantiated.

#### **Special Circumstances**

Recommendations on ECW-related practices and procedures will be made in the Rio Grande Valley Sector July 2014 site visit recommendations memo.

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<sup>1</sup> CRCL is working with CBP on ECW practice and procedure at the station level, including the issue of enhanced oversight/tracking of ECWs from the armory weapons pool. This issue will be addressed in the Rio Grande Valley Sector site visit recommendations memorandum that is currently in draft. However, given the fact that the report showed no ECW use for the station, the outcome in the instant complaint is not affected.

**Recommend Office of General Counsel (OGC) Review (Y/N)**

No.

**Suggested Closure Method:**

<input checked="" type="checkbox"/> Close Letter to Complainants <input type="checkbox"/> Phone call (a description of which is documented in Writing) <input type="checkbox"/> No notification necessary <input type="checkbox"/> Other (provide details)	<input type="checkbox"/> Close email/memo to component <input type="checkbox"/> High level component communication <input type="checkbox"/> Close memo (No contact information)
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**Supporting Documents Attached:**


**For Completion by Reviewer:**

Closure Recommendation Accepted X

Not Accepted ☐



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**From:** (b)(6)  
**Sent:** 24 Jun 2014 11:50:00 -0400  
**To:** (b)(6); Salvano-Dunn, Dana  
**Cc:** (b)(6)  
**Subject:** RE: 14-07-CBP-0168

Great, tks!!

(b)(6)

---

**From:** (b)(6)  
**Sent:** Tuesday, June 24, 2014 11:48 AM  
**To:** (b)(6); Salvano-Dunn, Dana  
**Cc:** (b)(6)  
**Subject:** Re: 14-07-CBP-0168

Hey (b)(6). I just talked to (b)(6). I'll close it like a short form. Thanks!

---

**From:** (b)(6)  
**Sent:** Tuesday, June 24, 2014 11:37 AM  
**To:** Salvano-Dunn, Dana; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: 14-07-CBP-0168

Not sure what you want to do with it??

- 1 convert back to a contact and close...deletes the action of opening as a complaint
- 2 close as a complaint and adds to our closed numbers for June

---

**From:** Salvano-Dunn, Dana  
**Sent:** Monday, June 23, 2014 8:34 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Re: 14-07-CBP-0168

Agree - please speak to (b)(6) about what to do

---

**From:** (b)(6)  
**Sent:** Monday, June 23, 2014 08:10 PM  
**To:** Salvano-Dunn, Dana  
**Cc:** (b)(6)  
**Subject:** 14-07-CBP-0168

Hi Dana,

We opened 14-07-CBP-0168 (b)(6) as a complaint that is now assigned to me. I presented this at case opening and thought we decided to info layer it. The complaint alleges that officers physically abused Mr. (b)(6) then 17, during apprehension and that an ECW was used on him.

EARM reflects that Mr. (b)(6) was sentenced to 71 days in jail for assaulting the officer involved in his apprehension. EARM also indicates he was transported to a hospital straight from apprehension where he was medically cleared, which would be in accordance with policy for ECW deployment. It was based on these facts that I made a recommendation that we not open this complaint.

Was this opened by accident? If not, what exactly do we want to look at here? According to EARM, he was found guilty beyond reasonable doubt in court for assaulting an officer. Given there will be no video footage of the incident, I'm not sure what we hope to uncover here. (b)(5)

(b)(5)

Please clarify how you would like this handled.

Thanks,

(b)(6)

*Compliance Branch*  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(o) 202 357 (b)(6)

(bb) 202 697

(b)(6) @associates.hq.dhs.gov





Homeland  
Security

October 28, 2014

(b)(6)

Children's Staff Attorney  
South Texas Pro Bono Asylum Representation Project (ProBAR)  
(b)(6) [@americanbar.org](mailto:(b)(6)@americanbar.org)

Re: Complaint No. 14-07-CBP-0168

(b)(6)

Dear Ms. (b)(6)

On April 13, 2014, U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) received a complaint from you regarding unaccompanied alien child (b)(6). In the complaint, Mr. (b)(6) alleges U.S. Customs and Border Protection (CBP) agents physically abused him and used an Electronic Control Weapon (ECW), commonly referred to as a Taser, on him during his apprehension on November 22, 2013. Pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL investigated this complaint and has completed its review. Accordingly, CRCL is now closing this complaint.

CRCL reviewed CBP records regarding this incident and determined Mr. (b)(6) was assaultive and actively resistant during apprehension. His physical assault of the apprehending agent resulted in his conviction for Assault on a Public Servant and a sentence of 71 days confinement. Based on this information, allegations of excessive force are unsubstantiated.

We appreciate you bringing this matter to our attention; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Salvano-Dunn".

Dana Salvano-Dunn  
Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

From: [CRCLCompliance](#)  
To: [\(b\)\(6\)@americanbar.org](#)  
Subject: Follow-up to DHS CRCL Complaint 14-07-CBP-0168  
Date: Tuesday, October 28, 2014 3:26:35 PM  
Attachments: [14-07-CBP-0168 Close Letter.pdf](#)

---

Dear Ms. [\(b\)\(6\)](#)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
[CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)



**Homeland  
Security**

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From: [DHSOIGHotlineMailbox](#)  
To: [CRCLCompliance: CRCL DHSOIGHotline](#)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 14-08-CBP-0164  
Date: Tuesday, May 13, 2014 8:31:40 AM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information [has been reviewed and is returned](#) for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

From: CRCLCompliance [mailto:CRCLCompliance@HQ.DHS.GOV]  
Sent: Friday, May 09, 2014 5:27 PM  
To: CRCL DHSOIGHotline  
Cc: (b)(6)  
(b)(6)  
Subject: CRCL Complaint Number 14-08-CBP-0164

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 6, 2014 CRCL received an email referral from Health and Human Services Office of Refugee and Resettlement (HHS-ORR) on behalf of unaccompanied alien child (UAC) (b)(6) age 13. UAC (b)(6) alleges that after apprehension by Border Patrol on April 30, 2014 in Hidalgo, Texas (Rio Grande Valley Sector), he was transported to the Weslaco Station, where he was separated from his sister. The UAC states that without his sister he was nervous and scared. The UAC states that a female agent allowed him to stay with his sister, but after his interview, he was not allowed to return to his sister and an agent yelled at him when he asked to stay with his sister. On May 2, 2014, the UAC was transferred to HHS ORR custody.

(b)(6)

**Office for Civil Rights and Civil Liberties**  
**Department of Homeland Security**

202-357- (b)(6)

(b)(6) @associates.hq.dhs.gov

*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email*



**From:** CRCLCompliance  
**To:** (b)(6)@acf.hhs.gov"  
**Subject:** Follow-up to DHS CRCL Complaint 14-08-CBP-0164  
**Date:** Tuesday, May 13, 2014 3:44:00 PM  
**Attachments:** 05.06.2014 14-08-CBP-0164.pdf

---

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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Homeland  
Security

May 13, 2014

*Via electronic mail*

(b)(6)

U.S. Department of Health and Human Services  
Office of Refugee Resettlement  
(b)(6)@acf.hhs.gov

Re: Complaint No. 14-08-CBP-0164

(b)(6)

Dear Ms. (b)(6)

On May 6, 2014, the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint on behalf of (b)(6); it was forwarded to CRCL by U.S. Department of Health and Human Services Office of Refugee Resettlement.

Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Dana Salvano-Dunn  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## Privacy Act Statement

**Authority:** 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



From: (b)(6)  
To:  
Subject: FW: SIR Involving Reported Abuse/Neglect by USBP  
Date: Tuesday, May 06, 2014 6:49:01 PM  
Attachments: SIR SWK (b)(6).docx

---

Please see the attached information.

(b)(6)

Federal Field Specialist  
HHS ACF ORR DCS  
202.631 (b)(6)  
(b)(6)@acf.hhs.gov

-----Original Message-----

From: (b)(6)@swkey.org]  
Sent: Sunday, May 04, 2014 12:29 PM  
To: SIR Reports; ACF SIRHOTLINE (ACF); (b)(6)  
Cc: (b)(6)  
Subject: SIR A# (b)(6)

SIR - Southwest Key Program Casa Esperanza Brownsville

Name: (b)(6)

Summary - Minor disclosed Verbal abuse by immigration officer

Reported by (b)(6)

\* You can see the SIR information in the UAC Portal

Thank you

(b)(6)

Clinician

Southwest Key Program - Casa Esperanza

Direct line 589 (b)(6) office 546 - 0373

(b)(6)@swkey.org<mailto:(b)(6)@swkey.org>

First Name: (b)(6)

Last Name: (b)(6)

Date of Birth: (b)(6)

Gender: M

Alien No.: (b)(6)

Age: 13

Country of Birth: Honduras

Admitted Date: 5/2/2014

Abuse Allegation Type -- USProgram StaffOther UACImmigration and Customs Enforcement (ICE)  
StaffCustoms and Border Protection (CBP) Staff Other Child in Facility Program (Not UAC)

Synopsis of Incident:

Client states that when he and his sister were in the "hielera" was very nervous. When he gets nervous and scared he shivers a lot and cries. Client commented that immigration did not let him see his sister but a female official let him stay with her. A client state that when he went to the interview, he said he wanted to return with his sister, but was not allowed. Client expressed that he begged him to see his sister and answer the officer yelled "shut your fucking mouth" and send him to his cell.

Minor was admitted to ORR care and custody on May 2, 2014 and made the report on May 4, 2014.

**From:** CRCLCompliance  
**To:** (b)(6) [@acf.hhs.gov](mailto:(b)(6)@acf.hhs.gov)  
**Subject:** DHS CRCL Contact-CBP-14-0157  
**Date:** Tuesday, April 15, 2014 12:45:00 PM  
**Attachments:** [Contact-CBP-14-0157 \(02.03.2014\).pdf](#)

---

Dear Mr. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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Homeland  
Security

April 15, 2014

*Via Electronic Mail*

(b)(6)

U.S. Department of Health and Human Services  
Office of Refugee Resettlement  
(b)(6)@acf.hhs.gov

Re: Contact No. Contact-CBP-14-0157 (b)(6)

Dear Mr. (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on February 3, 2014 on behalf of (b)(6). Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded it in a database so that we can track issues of the type you raised in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

CRCL has an open complaint investigation addressing issues similar to the ones you raised. As we complete that investigation, we will take into account the issues described in your complaint and may incorporate your information, as appropriate, when we prepare our report to U.S Customs and Border Protection. If we need additional information from you, we will contact you.

For any future correspondence you wish to send to CRCL about this matter, please include the Contact-CBP-14-0157 noted at the top of this letter. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on behalf of (b)(6). Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.



Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

From: (b)(6)  
To: CRCL  
Subject: Fw: documents needed  
Date: Monday, February 03, 2014 6:26:37 PM  
Attachments: 20140203165308653.pdf

---

Hello CRCL. I am a field staff for ORR and would like to submit this allegation concerning DHS.  
I have attached documents for this case for your review.

Synopsis of allegation.

SIR - St. PJ's Children's Home

(b)(6)

Summary: (b)(6) reported abuse by an immigration officer while she was in the "third cooler" please refer to SIR for details.

Reported to Texas Abuse Hotline, Confirmation #: (b)(6)

POC is below.

(b)(6)

LBSW, LCCA

Program Director

St. Peter - St. Joseph Children's Home

International Children Program

919 Mission Rd. | San Antonio, TX 78210

(210) 533-1203 – Main

(210) 531 (b)(6) – Direct

(210) 708 (b)(6) – Cellular

(210) 531 (b)(6) – Fax

(b)(6)

LMSW, FFS, San Antonio, Texas

202-631-(b)(6)@acf.hhs.gov

----- Original Message -----

From: (b)(6)@stpjhome.org]

Sent: Monday, February 03, 2014 05:50 PM

To: (b)(6)

Cc:

Subject: documents needed

Attached are the documents you requested. Any questions please let me know.

Thanks,

(b)(6)



Homeland  
Security

FEB 04 2010

(b)(6)

Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, SW  
Washington, DC 20447

Re: Complaint Numbers:

09-12-CBP-0168

(b)(6)

10-01-CBP-0016

(b)(6)

09-12-CBP-0167

(b)(6)

10-01-CBP-0015

(b)(6)

09-12-CBP-0169

(b)(6)

Dear Ms. (b)(6)

Between September 5, 2009 and October 23, 2009, the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received five Significant Incident Reports (SIR) from your Office regarding the treatment of (b)(6)

(b)(6) by employees or officials of Customs and Border Protection.

Under 6 U.S.C. 345 and 42 U.S.C. 2000cc-1, CRCL has the responsibility to review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security. Pursuant to 6 U.S.C. 345(a)(6) and internal Department of Homeland Security policies, CRCL initially refers all such complaints to the Office of Inspector General for handling under the Inspector General Act of 1978, as amended. If the Inspector General declines to accept the

[www.dhs.gov](http://www.dhs.gov)

complaint, it is returned to this Office for handling or reassignment within the Department of Homeland Security. The Office of Inspector General has declined to open an investigation into the allegations you raise. However, CRCL has determined that we will review one or more of the concerns discussed in the SIRs.

This Office takes allegations of violations of civil rights and civil liberties very seriously. The purpose of our review is to determine if the allegations raise issues that should and can be addressed by the management of the Department of Homeland Security. You can expect to receive a letter from us telling you when we have concluded our review.

Under 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, no legal or procedural rights or remedies are provided to individuals. Accordingly, this Office may not obtain any legal remedies, damages or other relief on behalf of an individual.

If you have any questions concerning these complaints, you may contact (b)(6) in this Office by phone at 202-357-(b)(6) or by email at (b)(6)@dhs.gov. We request that you place this notification with the unaccompanied minors' records. We appreciate you bringing these matters to our attention.

Sincerely,



David D. Gersten  
Acting Deputy Officer for Programs and Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



**From:** (b)(6)  
**Sent:** Tuesday, November 10, 2009 5:47 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** New Unaccompanied Minor Complaint (b)(6)  
CRCL Complaint #10-01-CBP-0016)  
**Attachments:** SIR.pdf

(b)(6)

This matter involves an unaccompanied minor. On 10/21/09 CRCL received a Significant Incident Report from the HHS Office of Refugee Resettlement reporting that 15-year-old (b)(6) (or (b)(6)) was struck on the head by a Border Patrol agent during her apprehension at or near Naco, Arizona. The minor alleges that a Caucasian Border Patrol agent asked her in Spanish where she was from, and when she stated she was "Mexican" the agent called her "Mentirosa" and hit her four times in the head with a flashlight, causing a bump on her head.

Let me know if you have questions.

(b)(6)  
Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6)  
(b)(6)@dhs.gov

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Homeland  
Security

FEB 04 2010

MEMORANDUM FOR: David V. Aguilar  
Acting Deputy Commissioner  
Customs and Border Protection

Michael J. Fisher  
Acting Chief  
Office of Border Patrol  
Customs and Border Protection

Alfonso Robles  
Chief Counsel  
Customs and Border Protection

FROM:

A handwritten signature in black ink, appearing to be "MS", written over a redacted area.

Margo Schlanger  
Officer for Civil Rights and Civil Liberties

David J. Palmer *WPM For DJP*  
Deputy Associate General Counsel (Legal Counsel)  
Office of General Counsel

SUBJECT:

Complaint Numbers:

09-12-CBP-0168

(b)(6)

10-01-CBP-0016

(b)(6)

09-12-CBP-0167

(b)(6)

10-01-CBP-0015

(b)(6)

09-12-CBP-0169

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received five individual complaints alleging that employees or officials of the Department of Homeland Security Customs and Border Protection (CBP) have abused each complainant's civil rights or civil liberties. The

*Protected by Attorney-Client and Deliberative Process Privileges*

purpose of this memorandum is to notify you that CRCL will investigate and resolve these complaints, and to describe how CRCL will work with CBP during the investigation.

## INTRODUCTION

The mission of CRCL is to assist the dedicated men and women of this Department to secure the nation from the threats we face, from terrorism to natural disasters, while preserving our freedoms and equality under the law. Our work involves every activity of the Department, including immigration enforcement, disaster management, transportation screening, border security, intelligence analysis, and scientific research. CRCL has four chief functions:

- We help the Department shape policy that protects civil rights and civil liberties by providing proactive advice, evaluation, and review of a wide range of technical, legal and policy issues.
- We communicate with communities whose members' civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress and ensuring that their concerns receive appropriate attention within the Department.
- We investigate and resolve civil rights and civil liberties complaints filed by the public regarding Departmental policies or actions taken by Departmental personnel.
- We lead the Department's Equal Employment Opportunity programs, seeking to make this Department the model federal agency.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, this Office is charged with investigating and assessing complaints of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department. The procedures the Office uses as it investigates complaints filed by members of the public are outlined in Department of Homeland Security Management Directive 3500.

## ALLEGATIONS

Between September 5, 2009 and October 23, 2009, CRCL received five Significant Incident Reports (SIR) from the HHS Office of Refugee Resettlement (ORR) conveying allegations that Tucson Sector Border Patrol agents mistreated five unaccompanied minors.

1. Sixteen-year-old (b)(6), alleges that after he was apprehended by Border Patrol near Naco, Arizona, he was held at a Border Patrol station where he was fed only two crackers and juice for each of four meals, over a period of one day. ORR records also indicate that ORR was not notified of the unaccompanied minor's presence or his need for placement until two days after his apprehension.



2. Fifteen-year-old (b)(6) alleges that during her apprehension near Naco, Arizona on September 30, 2009, a Border Patrol agent, described as a Caucasian male, asked her in Spanish where she was from. When she responded that she was "Mexican," she claims the agent called her "mentirosa" (liar) and struck her four times on her head with a flashlight, causing injury.
3. Sixteen-year-old (b)(6) alleges that the Border Patrol agent who apprehended him near Sasabe, Arizona, punched him in his head and back, and hit him in the groin with a flashlight. ORR records indicate that ORR was not notified of the unaccompanied minor's presence or of his need for placement, until approximately two days after his apprehension.
4. Seventeen-year-old (b)(6) alleges the Border Patrol agents who apprehended her near Naco, Arizona, endangered her when they used her to lure and apprehend the "coyote" who smuggled her into the United States. When she was injured during the subsequent apprehension operation, she claims Border Patrol then failed to provide her with adequate medical care. According to ORR's SIR and follow-up email account of the incident, the same Border Patrol agents who apprehended the unaccompanied minor instructed her to call the smuggler by telephone and ask him to pick her up at a nearby gas station. When the smuggler arrived, (b)(6) entered the smuggler's vehicle. When he saw Border Patrol agents in the area, he drove through a ditch to evade the agents and eventually collided with a bridge, which caused her to be injured. ORR explains that Border Patrol agents assisted her and she also was examined by EMTs when an "ambulance" arrived at the scene. The EMTs reportedly treated her for minor injuries and instructed her to go to the hospital if she continued to feel pain. However, (b)(6) alleges that she was taken to the Border Patrol station and kept there overnight in intense pain and with a swollen eye, and received no medical care from agents even though she reported her pain to them. The SIR states that she was transferred the following morning to another Border Patrol facility where she received pain medication. The SIR and medical reports note in addition that, upon (b)(6)'s eventual arrival at the ORR facility, facility staff observed scrapes, bruises, and a swollen eye and took her to the hospital where she was examined and prescribed pain medication again.
5. Seventeen-year-old (b)(6) alleges that after he was apprehended by Border Patrol, he was taken to "what appeared to be a Border Patrol Station in an unknown location" in Arizona and, as he exited the vehicle, the Border Patrol agent who was holding the vehicle door open elbowed him in the stomach with such force that it caused him to lose his breath and double over in pain. Inside the station, the unaccompanied minor claims, several agents verbally abused him and threatened to strike and to shoot him. He also claims that he was denied food, even though he told agents that he was



hungry. The SIR states that (b) (6) was placed in a cell with unknown adults, even though he told the agents that he was a minor. ORR records also indicate that they were not notified of the unaccompanied minor's presence, or of his need for placement, until two days after his apprehension.

### SCOPE OF REVIEW

This Office will conduct a review of these matters. The purpose of our review is to determine if the factual allegations in the complaints can be verified; if the verified facts lead to a conclusion that the Constitution, a federal statute, or a Departmental policy has been violated; and, if so, what steps should be taken by CBP to address the complaints. Our goal will be to produce a report that will assist you in making CBP the model agency that you aspire to be. Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges.

### QUESTIONS PRESENTED

The specific questions that the Office will be exploring include:

1. (b)(5), (b)(6) Are Tucson Sector Border Patrol agents using the appropriate level of force during apprehensions that involve unaccompanied minors?
2. Are Tucson Sector Border Patrol agents verbally or physically abusive toward unaccompanied minors while they are in Border Patrol custody?
3. Are Tucson Sector Border Patrol agents providing unaccompanied minors with appropriate medical care, and types and amounts of food, as required by Border Patrol hold room policy?
4. Are Tucson Sector Border Patrol Stations separating unaccompanied minors from unknown adults, as required by the *Flores* Settlement Agreement and Border Patrol Hold Room Policy?
5. Did agents endanger the life or welfare of a sixteen-year-old female unaccompanied minor, (b) (6) when they used her to lure and apprehend a smuggler, which resulted in injuries to her?
6. Are Border Patrol stations in the Tucson Sector expeditiously processing unaccompanied minors and notifying Immigration and Customs Enforcement (ICE) of the

(b)(5)

unaccompanied minors in a timely manner, to hasten their transfer from DHS custody to ORR?

7. If there are problems in the treatment of unaccompanied minors by personnel in the Tucson Sector, what are the causes, and how can those problems best be addressed and solved?

#### INITIATING THE INVESTIGATION

We request an initial discussion with your agency about these complaints and our plans for reviewing these matters. (b) (6) will be handling the review of these complaints. This investigation will be combined with six existing complaints involving the treatment of twelve additional unaccompanied minors in the Tucson Sector (09-10-CBP-0116, 09-10-CBP-0111, 09-10-CBP-0129, 08-09-CBP-0123, 08-09-DHS-0126, and 09-02-DHS-0008), the review of which is already scheduled for the week of February 8 through February 12, 2010.

We request that you schedule an initial discussion with Ms. (b) (6) as soon as possible. We look forward to working together to determine all the facts surrounding these matters and, if appropriate, the best way forward. If you have any questions, please do not hesitate to contact Ms. (b) (6) by phone at 202-357-(b) (6) (1-866-644-8361 TTY), or by email at (b) (6)@dhs.gov.

Copies to:

(b) (6)

Joint Intake Center  
Customs and Border Protection

(b)(6)(b)(7)(C)

Franklin Jones  
Executive Director  
Office of Diversity and Civil Rights  
Customs and Border Protection

(b)(6)(b)(7)(C)

Robert M. Lewandowski  
Chief of Staff  
Office of Border Patrol  
Customs and Border Protection

*Protected by Attorney-Client and Deliberative Process Privileges*

5

(b)(6),(b)(7)(C)

Assistant Chief, Office of Internal Affairs/IOD  
Office of Border Patrol  
Customs and Border Protection

Enclosures

*Protected by Attorney-Client and Deliberative Process Privileges*

6

**From:** (b)(6)@dhs.gov]  
**Sent:** Thursday, March 25, 2010 12:11 PM  
**To:** (b)(6)  
**Subject:** FW: Retention Memo With MS Edit - Please Review ASAP

File

(b)(6)  
Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6)  
(b)(6)@dhs.gov

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---

**From:** (b)(6)  
**Sent:** Thursday, February 04, 2010 12:44 PM  
**To:** Palmer, David: (b)(6)  
**Cc:** (b)(6) Schlanger, Margo  
**Subject:** RE: Retention Memo With MS Edit - Please Review ASAP

David,

The question about the provision of medical care is in #3 of "Questions Presented."

In the Data Request, I will request all documents regarding all medical care provided to her.

Does that suffice to answer your question?

---

**From:** Palmer, David [mailto:(b)(6)@dhs.gov]  
**Sent:** Thursday, February 04, 2010 12:32 PM  
**To:** (b)(6)  
**Cc:** (b)(6) Schlanger, Margo  
**Subject:** RE: Retention Memo With MS Edit - Please Review ASAP

This is fine. (b)(6) or Margo can initial for me. Note that I caught a typo.

Question re the following:

"However, (b)(6) alleges that she was taken to the Border Patrol station and kept there overnight in intense pain and with a swollen eye, and received no medical care from agents even though



she reported her pain to them. The SIR states that she was transferred the following morning to another Border Patrol facility where she received pain medication. The SIR and medical reports also note that, upon (b)(6) eventual arrival at the ORR facility, facility staff observed scrapes, bruises, and a swollen eye and took her to the hospital where she was examined and prescribed pain medication again."

(b)(5),(b)(6)

Running out the door for meetings with FEMA.

Regards,

David

David J. Palmer  
Deputy Associate General Counsel - Legal Counsel  
Office of the General Counsel  
Department of Homeland Security

202 282 (b)(6) (desk)  
202 657 (b)(6) (cell)  
202 282 (b)(6) (fax)

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**From:** (b)(6) @dhs.gov  
**Sent:** Thursday, February 04, 2010 11:46 AM  
**To:** Palmer, David  
**Subject:** Retention Memo With MS Edit - Please Review ASAP

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357 (b)(6)  
(b)(6) @dhs.gov

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**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, September 06, 2011 2:58 PM  
**To:** (b)(6),(b)(7)(C) (b)(6)  
**Cc:**  
**Subject:** RE: Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

We are trying to get this completed. How about wrapping it up by COB tomorrow? That will have given you two extra days beyond what we generally allow, as I added an extra day anyway due to the holiday, assuming people would extend the weekend.

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357 (b)(6)  
(b)(6)@dhs.gov



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---

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Tuesday, September 06, 2011 2:39 PM  
**To:** (b)(6)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

Good day,

We are working to get this response out to you. However, there was a bit of confusion regarding the suspense date, which I will attribute to the holiday. The deadline for review is today, but we are not quite finished vetting. As such, would you please give us until Friday to get this back to your office?

Best,

(b)(6),(b)(7)(C)  
Policy and Program Operations  
DHS, U.S. Customs and Border Protection  
Office of Diversity and Civil Rights  
(202) (b)(6),(b)(7)(C)

*This communication may contain sensitive data that must be controlled and not to be released to the public or personnel who do not have a valid "need-to-know." Such data are subject to the For Official Use Only provisions in DHS Management Directive 11042.1. Data containing Personally Identifiable Information (PII) must be secured in accordance with the DHS Handbook for Safeguarding Sensitive Personally Identifiable Information dated October 31, 2008. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.*

---

**From:** (b)(6)@dhs.gov  
**Sent:** Friday, August 26, 2011 12:35 PM  
**To:** (b)(6),(b)(7)(C) JOINT INTAKE  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

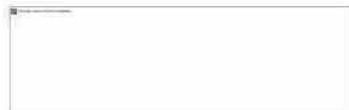
We are submitting the attached Policy Memo with Recommendations to CBP and ICE for review and comment. Please return your comments to me by COB September 6, 2011. If we do not receive your comments by that deadline, we will assume you have none and we will issue the Memo in final.

Thank you.

Respectfully,

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.



**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Friday, September 09, 2011 12:14 PM  
**To:** (b)(6)  
**Subject:** RE: Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

Understood!

(b)(6),(b)(7)(C)

Policy and Program Operations  
DHS, U.S. Customs and Border Protection  
Office of Diversity and Civil Rights  
(202) 344- (b)(6),(b)(7)(C)

*This communication may contain sensitive data that must be controlled and not to be released to the public or personnel who do not have a valid "need-to-know." Such data are subject to the For Official Use Only provisions in DHS Management Directive 11042.1. Data containing Personally Identifiable Information (PII) must be secured in accordance with the DHS Handbook for Safeguarding Sensitive Personally Identifiable Information dated October 31, 2008. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.*

---

**From:** (b)(6)@dhs.gov]  
**Sent:** Friday, September 09, 2011 12:13 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

(b)(6),(b)(7)(C)

It hadn't progressed too far so I was able to catch it. But I will need your comments by COB today.

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

202-357- (b)(6)  
(b)(6)@dhs.gov





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---

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Thursday, September 08, 2011 5:00 PM  
**To:** (b)(6)  
**Subject:** RE: Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

Good day.

My apologies, but we are not going to have this until tomorrow. I will come in early to push to have it fully vetted and to you by noon. I was finally informed that our tasking system was/is broken and I had to hand carry the policy to OBP. They have been working all day on it with the OCC. I apologize again and as always appreciate your patience.

Best,

(b)(6),(b)(7)(C)

Policy and Program Operations  
DHS, U.S. Customs and Border Protection  
Office of Diversity and Civil Rights  
(202) (b)(6),(b)(7)(C)

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---

**From:** (b)(6)@dhs.gov]  
**Sent:** Tuesday, September 06, 2011 2:58 PM  
**To:** (b)(6),(b)(7)(C) (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: Comments - CRCL Complaint 10-01-DHS-0015 Policy Memo With Recommendations

We are trying to get this completed. How about wrapping it up by COB tomorrow? That will have given you two extra days beyond what we generally allow, as I added an extra day anyway due to the holiday, assuming people would extend the weekend.

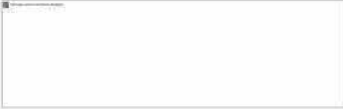
(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

202-357-(b)(6)

(b)(6)

@dhs.gov



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Duplicate

From: (b)(6)  
To:  
Subject:  
Date: Thursday, November 10, 2011 7:27:53 PM

---

(b)(6)  
From: (b)(6)  
Sent: Thursday, November 10, 2011 7:19 PM  
To: (b)(6)  
Subject: RE: (b)(6)

This should be included.

---

From: (b)(6)  
Sent: Thu 11/10/2011 5:52 PM  
To: (b)(6)  
Subject: (b)(6)

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



---

From: (b)(6)  
Sent: Wednesday, August 18, 2010 6:30 PM  
To: (b)(6), (b)(7)(C)  
Subject: RE: Telephonic Interview

Thanks again!

(b)(6)  
Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) (New Phone Number as of 6/28/10)

(b)(6)@dhs.gov



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---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Wednesday, August 18, 2010 6:01 PM  
To: (b)(6)  
Subject: Re: Telephonic Interview

Will do Thanks

(b)(6),(b)(7)(C)

Resident Agent in Charge  
Office of Professional Responsibility  
Tucson, AZ

Sent from BlackBerry.

---

From: (b)(6)@dhs.gov>  
To: (b)(6),(b)(7)(C)@dhs.gov>  
Sent: Wed Aug 18 15:01:49 2010  
Subject: RE: Telephonic Interview

I HAD A TASK FROM OUR OFFICER. I'M ALMOST DONE WITH THE QUESTIONS. HANG IN THERE FOR A COUPLE OF MINUTES.

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) New Phone Number as of 6/28/10)

(b)(6)@dhs.gov



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From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Wednesday, August 18, 2010 5:58 PM  
To: (b)(6)  
Subject: Re: Telephonic Interview

Sorry to bother you, but did you send the questions?

(b)(6),(b)(7)(C)

Resident Agent in Charge  
Office of Professional Responsibility  
Tucson, AZ

Sent from BlackBerry.

---

From: (b)(6)@dhs.gov>  
To: (b)(6),(b)(7)(C)@dhs.gov>  
Sent: Wed Aug 18 09:11:58 2010  
Subject: RE: Telephonic Interview

That's fine.

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) (New Phone Number as of 6/28/10)  
(b)(6)@dhs.gov



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---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Wednesday, August 18, 2010 12:09 PM  
To: (b)(6)  
Subject: RE: Telephonic Interview

(b)(6) I plan on traveling to Douglas and will be with GS (b)(6),(b)(7)(C) during his telephonic interview. It's normal OPR practice to tape record subject interviews. Do you have any objections if I record GS (b)(6),(b)(7)(C)? Also, he hasn't responded yet to my email. I'll reach out to him later this morning.  
Thanks (b)(6),(b)(7)(C)

---

From: (b)(6)@dhs.gov]  
Sent: Tuesday, August 17, 2010 4:49 PM  
To: (b)(6),(b)(7)(C)

**Subject:** RE: Telephonic Interview

Thank you!

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) (New Phone Number as of 6/28/10)  
(b)(6)@dhs.gov



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---

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Tuesday, August 17, 2010 6:38 PM  
**To:** (b)(6)  
**Subject:** Telephonic Interview  
**Importance:** High

(b)(6) Just wanted to give you a heads up so there's no surprises. I intend to issue GS (b)(6),(b)(7)(C) a (b)(6),(b)(7)(C) and Non-disclosure form(s), both of which are attached. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Senior Policy Advisor (SPA) (b)(6) Office for Civil Rights and Civil Liberties (CRCL) would like to interview you, as a subject via telephone, this week (except Friday), regarding the operation involving UDA minor (b)(6). Can you please let me know what day and time is convenient for you. I will be in on the interview and will set up the conference call. Thanks, (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)  
Resident Agent in Charge  
Office of Professional Responsibility  
Tucson, AZ  
(520) (b)(6),(b)(7)(C)

8/18/2010 INTERVIEW WITH (b)(6),(b)(7)(C) ACTING ASAC, ICE, DOUGLAS, AZ)

(b)(6) INVESTIGATOR

DHS OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

CRCL COMPLAINT #10-01-CBP-0015 INVOLVING 17-YEAR-OLD MINOR, (b)(6)

(b)(6)

FULL NAME

POSITION WITH ICE

SAME POSITION ON 10/13/09 WHEN THE OPERATION TOOK PLACE?

HOW LONG IN THAT POSITION

(b)(5),(b)(6)

*Law Enforcement Sensitive*

Page 133 of 155

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



From: (b)(6)  
To:  
Subject: FW: (b)(6)  
Date: Thursday, November 10, 2011 7:26:55 PM

---

Also, you will see (b)(6) instructions on each one as they come in, like the one in #1 and this one, below.

(b)(6)

---

From: (b)(6)  
Sent: Thursday, November 10, 2011 7:14 PM  
To: (b)(6)  
Subject: RE: (b)(6) - Please review 2

This should be included as well.

---

From: (b)(6)  
Sent: Thu 11/10/2011 5:50 PM  
To: (b)(6)  
Subject: (b)(6) - Please review 2

Please also review this one and let me know. It's number 2 in the subject line.

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357 (b)(6)  
(b)(6) @dhs.gov



---

From: (b)(6)  
Sent: Tuesday, July 27, 2010 4:30 PM  
To: (b)(6), (b)(7)(C)  
Subject: RE: Assistance

Are you serious?

The conversation that you and I had a couple of weeks ago concerned two separate complaint matters:

1. Non Responsive

2. (b)(6) (unaccompanied minor): We also spoke about an onsite I completed in the Tucson Sector in February, which included a complaint involving a unaccompanied minor. I had planned to interview the OI folks who were involved in an operation to apprehend a smuggler, and they used the minor to do the job. However, when I got there to interview the involved personnel, I was told I'd have to delay the interviews until the investigation was complete. During that telephone conversation you said to me that those OI people were compelled to speak to me and the fact that they put off the interviews was an indicator of CRCL's "lack of credibility."

(b)(5) Please call me if you need to so we can get this moving forward.

---

**From:** (b)(6),(b)(7)(C) @dhs.gov]  
**Sent:** Tuesday, July 27, 2010 4:13 PM  
**To:** (b)(6) (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Re: Assistance

Are we talking about 2 different cases?

-----  
Sent using BlackBerry

---

**From:** (b)(6) @dhs.gov>  
**To:** (b)(6),(b)(7)(C) @dhs.gov>  
**Cc:** (b)(6),(b)(7)(C) @dhs.gov>  
**Sent:** Tue Jul 27 16:11:47 2010  
**Subject:** RE: Assistance

When I was there to interview the OI people involved, I was told that I'd have to wait to conduct the interviews until the investigation re the smuggler was complete. (b)(5)

I need the identifications of the below involved personnel. Then I need to arrange interviews with them:

1. the supervisor in charge of that operation to apprehend the smuggler;
2. any others who were involved in the decision to use the minor to lure the smuggler;
3. those who were present at the accident site; and
4. the agent who requested the ambulance for the minor.

Thank you for the assistance. I've attached the I213, in the event that will help.

(b)(6)  
Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security

Washington, DC

202-357 (b)(6) (New Phone Number as of 6/28/10)

(b)(6)@dhs.gov

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---

From: (b)(6),(b)(7)(C)@dhs.gov]

Sent: Tuesday, July 27, 2010 3:56 PM

To: (b)(6)

Cc: (b)(6),(b)(7)(C)

Subject: RE: Assistance

Hi (b)(6)

My apologies, but I'm still a little confused. My research showed you already had reached out to the OI folks to set up interviews back when the incident occurred, but I believe they were canceled. I believe you had already spoken and/or emailed RAC (b)(6),(b)(7)(C) OPR/Tucson and received that information. We have done nothing to locate any minors because none were identified or mentioned.

We are still awaiting direction from Washington about this file.

Thanks - (b)(6),  
(b)(7)(C)

---

From: (b)(6)@dhs.gov]

Sent: Tuesday, July 27, 2010 12:44 PM

To: (b)(6),(b)(7)(C)

Subject: FW: Assistance

See highlighted section below, re our conversation about the second issue regarding the minor.

The minor's name is (b)(6)

(b)(6)

---

From: (b)(6)

Sent: Thursday, July 08, 2010 6:57 PM

To: (b)(6),(b)(7)(C)

Subject: RE: Assistance

Thank you, (b)(6). Hopefully those referral documents will go out within the next few days and, assuming they will eventually circulate to you, let's talk then about how best to move forward.

Also, thanks for looking into the matter involving the minor in the Tucson Sector. Hopefully I can conduct those remaining interviews in the near future.

Regards,

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357-(b)(6) (New Phone Number as of 6/28/10)  
(b)(6)@dhs.gov

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---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Thursday, July 08, 2010 6:49 PM  
To: (b)(6)  
Subject: Assistance

Good Afternoon Ms. (b)(6)

I am in receipt of your telephone message and looked into the case you mentioned. At this time, OPR/San Diego has done no work on the allegation(s) per instructions from OPR/headquarters. We have the file listed as an allegation against an UNKNOWN employee(s). I also spoke with (b)(6), (b)(7)(C) today and am looking into the HIS/Tucson matter for you, attempting to identify the parties you would like to speak with.

If you would like to chat tomorrow, that's fine with me.

Regards - (b)(6), (b)(7)(C)

(b)(6),(b)(7)(C)

Acting Special Agent in Charge - West  
Office of Professional Responsibility  
U.S. Immigration & Customs Enforcement  
501 W. Ocean Blvd., Suite 6100  
Long Beach, CA. 90802

562. (b)(6),(b)(7)(C) Ext. (b)(6), (b)(7)(C) Office  
562. (b)(6),(b)(7)(C) cellular  
562. (b)(6),(b)(7)(C) facsimile  
(b)(6),(b)(7)(C)@dhs.gov email



From: (b)(6)  
To:  
Subject: FW: (b)(6)  
Date: Thursday, November 10, 2011 7:29:48 PM

---

(b)(6)  
From: (b)(6)  
Sent: Thursday, November 10, 2011 7:22 PM  
To: (b)(6)  
Subject: RE: (b)(6)

Include this.

---

From: (b)(6)  
Sent: Thu 11/10/2011 5:59 PM  
To: (b)(6)  
Subject: (b)(6)

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Thursday, August 19, 2010 3:01 PM  
To: (b)(6),(b)(7)(C)  
Cc: (b)(6)  
Subject: Affidavit Questions  
Importance: High

(b)(6) Here are your affidavit questions. Please complete in word and bring the document with you tomorrow. Please do not sign anything; I'll swear you to your affidavit in person.

As you have been given a non-disclosure form, please do discuss this matter, or share your affidavit questions with anyone.

Also, as a reminder, please bring the non-disclosure and Kalkines (with original signatures) tomorrow. Let me know if you have any questions. Thanks. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Resident Agent in Charge  
Office of Professional Responsibility  
Tucson, AZ  
(520) (b)(6),(b)(7)(C)

From: (b)(6)  
To: (b)(6)  
Subject: FW: (b)(6)  
Date: Thursday, November 10, 2011 7:30:06 PM

---

(b)(6)

---

From: (b)(6)  
Sent: Thursday, November 10, 2011 7:22 PM  
To: (b)(6)  
Subject: RE: (b)(6)

Include this.

---

From: (b)(6)  
Sent: Thu 11/10/2011 6:00 PM  
To: (b)(6)  
Subject: (b)(6)

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



---

From: (b)(6)@dhs.gov]  
Sent: Tuesday, October 12, 2010 4:40 PM  
To: (b)(6),(b)(7)(C)  
Cc: (b)(6)  
Subject: RE: ROI Request

(b)(6),(b)(7)(C)

We need the ROI. If the draft won't change much between now and final, we'll take the draft now, and the final when it's completed.

Thanks much.

(b)(6)

Senior Policy Advisor (Compliance)  
Office for Civil Rights and Civil Liberties (CRCL)  
U.S. Department of Homeland Security  
Washington, DC  
202-357 (b)(6) **New Phone Number as of 6/28/10)**  
(b)(6) @dhs.gov



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From: (b)(6),(b)(7)(C) @dhs.gov]  
Sent: Tuesday, October 12, 2010 12:14 PM  
To: (b)(6)  
Subject: FW: ROI Request

(b)(6) How would you like the agents to proceed? (b)(6),(b)(7)(C)

---

From: (b)(6),(b)(7)(C)  
Sent: Friday, October 01, 2010 3:02 PM  
To: (b)(6)  
Subject: FW: ROI Request

(b)(6) Any thoughts about this? Actual ROI, or would something in a memo format suffice. Thanks,  
(b)(6),(b)(7)(C)

---

From: (b)(6),(b)(7)(C)  
Sent: Friday, October 01, 2010 1:17 PM  
To: (b)(6),(b)(7)(C)  
Cc:  
Subject: ROI Request

(b)(6),(b)(7)(C)

Per our conversation, I am writing to clarify as to the best mechanism and format to provide you with the additional information that you are requesting from SA (b)(6),(b)(7)(C) has completed a draft ROI of what he intended to submit and (b)(5)

(b)(5)

Please consult with Ms. (b)(6) and advise as to how we can best provide supplemental information you are requesting.



Best regards,

(b)(6),(b)(7)(C)

From: (b)(6)  
To: (b)(6)  
Subject: FW: (b)(6)  
Date: Monday, November 14, 2011 10:32:28 AM  
Attachments: [Add info.doc](#)  
Importance: High

---

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



---

From: (b)(6)  
Sent: Monday, November 14, 2011 9:40 AM  
To: (b)(6)  
Subject: FW: (b)(6)  
Importance: High

Include this.

(b)(6)  
Attorney Advisor  
U.S. Department of Homeland Security  
Office of General Counsel, Legal Counsel Division  
(b)(6)@DHS.gov  
Desk (NAC): 202.28 (b)(6)  
Desk (CRCL): 202.3 (b)(6)  
Blackberry: 202.821 (b)(6)

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---

From: (b)(6)  
Sent: Thursday, November 10, 2011 6:04 PM

To: (b)(6)  
Subject: (b)(6)  
Importance: High

attached draft ROI with my comments/questions.

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357 (b)(6)  
(b)(6)@dhs.gov



Homeland  
Security

---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Friday, October 22, 2010 12:54 PM  
To: (b)(6)  
Subject: RE: ROI Request  
Importance: High

(b)(6) Here's a proposed draft of the applicable ROI I received from GS (b)(6),(b)(7)(C) By way of history, this relates to the incident where HSI/Douglas agents used UDA juvenile (b)(6) during an enforcement operation. I just looked in TECS, the ROI hasn't been uploaded yet. Please let me know if there are any issues with it. Otherwise, as soon as it's entered into the system, I'll send you the TECS version. Hope you have a great weekend, (b)(6),(b)(7)(C)

Non Responsive

From: (b)(6)  
To: (b)(6)  
Subject: (b)(6)  
Date: Monday, November 14, 2011 10:34:30 AM  
Attachments: [Add info.doc](#)  
Importance: High

---

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



---

From: (b)(6)  
Sent: Monday, November 14, 2011 9:41 AM  
To: (b)(6)  
Subject: FW: (b)(6)  
Importance: High

Include this.

(b)(6)  
Attorney Advisor  
U.S. Department of Homeland Security  
Office of General Counsel, Legal Counsel Division  
(b)(6)@DHS.gov  
Desk (NAC): 202-(b)(6)  
Desk (CRCL): 202-(b)(6)  
Blackberry: 202.8-(b)(6)

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---

From: (b)(6)  
Sent: Thursday, November 10, 2011 6:07 PM



To: (b)(6)  
Subject: (b)(6)  
Importance: High

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



Homeland  
Security

---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Friday, October 22, 2010 1:24 PM  
To: (b)(6),(b)(7)(C)  
Cc: (b)(6)  
Subject: FW: ROI Request  
Importance: High

(b)(6),(b) Please see the attached with (b)(6) comments which are based upon her notes and interview collection. Please acknowledge receipt of this email. Thanks

~~Deliberative~~  
~~Deliberative~~

From: (b)(6)  
To:  
Subject:  
Date: Thursday, November 10, 2011 7:31:35 PM

---

(b)(6)

---

From: (b)(6)  
Sent: Thursday, November 10, 2011 7:26 PM  
To: (b)(6)  
Subject: RE: (b)(6)

I don't think you need to include this.

---

From: (b)(6)  
Sent: Thu 11/10/2011 6:13 PM  
To: (b)(6)  
Subject: (b)(6)

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357 (b)(6)  
(b)(6)@dhs.gov



Homeland  
Security

---

From: (b)(6)  
Sent: Thursday, September 01, 2011 4:53 PM  
To: OPLA Tasking  
Subject: RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

Thanks, (b)(6), (b)(7)(C)

(b)(6)

~~Deliberative~~  
~~Deliberative~~

~~Deliberative~~  
~~Deliberative~~

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

202-357-(b)(6)

(b)(6)

@dhs.gov



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---

From: (b)(6),(b)(7)(C) @dhs.gov] On Behalf Of OPLA Tasking  
Sent: Thursday, September 01, 2011 4:41 PM  
To: (b)(6)  
Cc: OPLA Tasking  
Subject: FW: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

Hello (b)(6)

OPLA reviewed and defers to HSI at this time, but will continue to work with them on this matter.

Cleared by (b)(6),(b)(7)(C) Chief of ECU, on behalf of (b)(6),(b)(7)(C) Acting  
Director of Enforcement and Litigation, ext. (b)(6),(b)(7)(C)

Regards,

(b)(6),(b)(7)(C)

@dhs.gov

Detailed to Executive Communications Unit

Associate Legal Advisor  
| ELS | EROLD | OPLA

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---

From: (b)(6) @dhs.gov]

Sent: Friday, August 26, 2011 3:43 PM

To: (b)(6),(b)(7)(C)

~~Deliberative~~  
~~Deliberative~~

Deliberative  
Deliberative

Cc: (b)(6), (b)(7)(C)

**Subject:** CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

We are submitting the two attached draft Policy Memos with Recommendations for your review and comment. Please coordinate all ICE comments for each Memo and return to me by COB September 6, 2011. If we do not receive your comments by that deadline, we will assume you have none and we will issue the two Memos in final.

Thank you.

Respectfully,

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

202-357-(b)(6)

(b)(6)@dhs.gov



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Deliberative  
Deliberative



Non Responsive

**From:** (b)(6)  
**Sent:** Wednesday, September 21, 2011 12:56 PM  
**To:** Salvano-Dunn, Dana; Blumberg, Jeffrey  
**Subject:** (b)(5)  
**Importance:** High

Jeff and Dana,

I'm working on the two close memos for (b)(6). The components' comment period ended September 6 (see email at the bottom of the below string highlighted in yellow). I have already addressed CBP comments on (b)(6) (we received CBP's comments one week late). I received ICE comments from (b)(6),(b)(7)(C) on September 7 (one day past the comment period deadline) stating that HSI was sending separate comments "shortly," but we never received those.

S, today I let (b)(6),(b)(7)(C) know that I was working with the comments he sent on the 7<sup>th</sup> but that HSI had more than missed the deadline and therefore we were moving forward issuing the close memo in final without HSI comments.

(b)(6), (b)(5)  
(b)(7)(C) immediately following his below email, I got a phone call from an admin person in OPLA stating that OPLA had comments. I told her that the comment period had well-passed.

(b)(5)

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov

~~Deliberative~~  
Deliberative



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---

**From:** (b)(6),(b)(7)(C) [redacted]@dhs.gov]  
**Sent:** Wednesday, September 21, 2011 12:28 PM  
**To:** (b)(6) [redacted]  
**Subject:** RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

(b)(6) [redacted]

(b)(5) [redacted]

---

**From:** (b)(6) [redacted]@dhs.gov]  
**Sent:** Wednesday, September 21, 2011 12:20 PM  
**To:** (b)(6),(b)(7)(C) [redacted]  
**Subject:** RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

(b)(6),(b)(7)(C) [redacted]

Sorry but you're looking at the memo -- not the comment period deadline of the draft memo.

See my email at the bottom of the below string (highlighted in yellow), dated 8/26, which states the draft is being sent for comment and the comment period ends on September 6<sup>th</sup>. If this is confusing, please give me a call. But in any event, the comment period on the draft has passed.

(b)(6) [redacted]

---

**From:** (b)(6),(b)(7)(C) [redacted]@dhs.gov]  
**Sent:** Wednesday, September 21, 2011 12:04 PM  
**To:** (b)(6) [redacted]  
**Subject:** RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

I also never received the HSI comment, they were still working on it last I heard. I received the CRCL request on 8/26/11, with a deadline of 30 days, that gives HSI 5 more days to provide their response.

~~Deliberative~~  
Deliberative

Deliberative  
Deliberative

---

**From:** (b)(6)@dhs.gov]  
**Sent:** Wednesday, September 21, 2011 11:49 AM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

(b)(6),(b)(7)(C)

Just wanted you to know that I never received the HSI comments and the deadline for providing them is way past. I prepared the final draft using the comments/edits you submitted on 9/7.

Best,

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



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---

**From:** (b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Wednesday, September 07, 2011 11:50 AM  
**To:** (b)(6)  
**Cc:** Salvano-Dunn, Dana  
**Subject:** RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

(b)(6)

Disregard last, those responses were from ERO only. HSI will also be providing responses shortly.

---

**From:** (b)(6)@dhs.gov]  
**Sent:** Wednesday, September 07, 2011 11:13 AM  
**To:** (b)(6),(b)(7)(C) (b)(6)  
**Cc:** Salvano-Dunn, Dana  
**Subject:** RE: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL

Deliberative  
Deliberative



~~Deliberative~~  
~~Deliberative~~

Complaint No. 9-01-ICE-0115

Are these the full collection of all ICE comments?

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
202-357-(b)(6)  
(b)(6)@dhs.gov



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---

From: (b)(6),(b)(7)(C)@dhs.gov]  
Sent: Wednesday, September 07, 2011 11:08 AM  
To: (b)(6)  
Cc: Salvano-Dunn, Dana  
Subject: FW: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

(b)(6)

I don't know if you received these responses, but here they are again.

(b)(6),(b)(7)(C)

---

From: (b)(6),(b)(7)(C)  
Sent: Wednesday, September 07, 2011 9:23 AM  
To: (b)(6),(b)(7)(C)  
Subject: FW: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

For your records....

(b)(6),(b)(7)(C)

Executive Information and Reporting Unit  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> St., SW, Suite 2052  
Washington, DC. 20536

~~Deliberative~~  
~~Deliberative~~



Deliberative

202 (b)(6),(b)(7)(C) - office  
202 (b)(6),(b)(7)(C) BB

---

**From:** (b)(6),(b)(7)(C) On Behalf Of OPLA Tasking  
**Sent:** Wednesday, September 07, 2011 9:22 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** OPLA Tasking  
**Subject:** FW: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

Good Morning (b)(6),(b)(7)(C)

The response below was sent to (b)(6) to Thursday, September 1. Please let me know if you need any additional information or help on this matter.

Thank you,

(b)(6),(b)(7)(C)

Associate Legal Advisor

U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
Executive Communications Unit

Desk: (202) (b)(6),(b)(7)(C)

Mobile: (202) (b)(6),(b)(7)(C)

Email: (b)(6),(b)(7)(C) @dhs.gov

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---

**From:** (b)(6),(b)(7)(C) On Behalf Of OPLA Tasking  
**Sent:** Thursday, September 01, 2011 4:41 PM  
**To:** (b)(6)  
**Cc:** OPLA Tasking  
**Subject:** FW: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

Hello (b)(6)

OPLA reviewed and defers to HSI at this time, but will continue to work with them on this matter.

Cleared by (b)(6),(b)(7)(C) Chief of ECU, on behalf of (b)(6),(b)(7)(C) Acting  
Director of Enforcement and Litigation, ext (b)(6),(b)(7)(C)

Deliberative

Deliberative  
Deliberative

Regards

(b)(6),(b)(7)(C)

dhs.gov

Detailed to Executive Communications Unit

Associate Legal Advisor  
| ELS | EROLD | OPLA

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From: (b)(6)@dhs.gov]

Sent: Friday, August 26, 2011 3:43 PM

To: (b)(6),(b)(7)(C)

Cc:

Subject: CRCL Policy Memos for Comment - CRCL Complaint No. 10-01-DHS-0015 and CRCL Complaint No. 9-01-ICE-0115

We are submitting the two attached draft Policy Memos with Recommendations for your review and comment. Please coordinate all ICE comments for each Memo and return to me by COB September 6, 2011. If we do not receive your comments by that deadline, we will assume you have none and we will issue the two Memos in final.

Thank you.

Respectfully,

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

202-357 (b)(6)

(b)(6)@dhs.gov



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Deliberative  
Deliberative

2015-CRFO-0000800668